

Stricklin, Kevin
ATTACHMENT 2: FY2010 WORKSHEET

Senior Executive Evaluation Guidance for Managerial Competency Elements

Managerial Competency Element: Leadership

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	Result 1: Develops and maintains long and short-term strategic planning to facilitate the achievement of the Agency's mission and to improve performance consistent with key organizational policies and priorities and economic, political, and social trends affecting the organization.	Strategic Planning Support for Leadership Organizational Performance	<ul style="list-style-type: none"> • Demonstrates extensive awareness and understanding of the Department's mission and strategic vision. • Actively works to develop and/or implement forward-looking strategic plans that maximize the Agency's ability to achieve its objectives. • Employs innovative uses of Agency resources and technologies to meet performance indicators under its strategic plan. 	<ul style="list-style-type: none"> • Can effectively communicate and manage the implementation of results-oriented strategic plans to achieve the Agency's goals. • Demonstrates an understanding of the Agency's performance indicators. 	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Result 2: Stresses innovation, creativity, and risk-taking. <ul style="list-style-type: none"> • Analyzes problems and develops alternative solutions, emphasizing new approaches. • Takes calculated risks to move programs forward. 	Innovation & Risk	<ul style="list-style-type: none"> • Clearly demonstrates initiative and ability to explore and create alternative solutions to problems. • Encourages, promotes, and supports innovative strategies among subordinates. 	<ul style="list-style-type: none"> • An effective problem solver. • Recognizes innovation. 	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Result 3: Effectively represents the Department and the organization internally and externally. <ul style="list-style-type: none"> • Actively engages the cooperation of internal and external stakeholders in working on common tasks or group projects; shares work and decision-making with others. 	Internal & External Relations	<ul style="list-style-type: none"> • Serves as an effective, reliable, and persuasive representative of the agency and Department of Labor on virtually all matters internal and external to the agency. 	<ul style="list-style-type: none"> • Serves as an effective representative of his/her immediate agency/office. 	<input type="checkbox"/>	<input type="checkbox"/>

N/R = Not Rated

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N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	<p>Result 4: Promotes and maintains a diverse and inclusive workforce.</p> <ul style="list-style-type: none"> Actively recruits and hires from diverse applicant pools. Fosters collaboration with individuals from diverse backgrounds, perspectives, and experience. Ensures that opportunities for growth exist equitably for all employees. Provides fair and equitable recognition of accomplishments for all employees. 	Diversity	<ul style="list-style-type: none"> Promotes and manages an inclusive workforce by championing diversity as a value in all aspects of the agency. Practices effective recruitment efforts to increase the pool of quality candidates from underrepresented groups. Promotes diversity at all grade levels. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Takes diversity into account while ensuring fair and nondiscriminatory recruitment, hiring, promotion and recognition. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<p>Result 5: Anticipates and meets the needs of clients/customers to provide better service.</p> <ul style="list-style-type: none"> Sets standards for customer needs and satisfaction, and meets them. Uses effective business practices including balanced measures that consider customer, stakeholder, and employee perspectives. 	Customer Service	<ul style="list-style-type: none"> Provides the highest quality service to Agency customers, stakeholders, and employees by anticipating, addressing, and proactively managing current and future needs. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Consistently anticipates and meets customers' needs and satisfies standards for effective customer service. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<p>Result 6: Displays an attitude that accepts mistakes as part of the developmental process, as the organization works to achieve results that promote innovation, efficiency, and greater effectiveness.</p>	Innovation & Risk	<ul style="list-style-type: none"> Engenders a culture that encourages employees to take calculated risks to improve performance. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Accepts employees' reasonable mistakes as part of the development process. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<p>Result 7: Demonstrates integrity and adheres to the highest ethical standards of public service.</p>	Ethics	<p>PASS/FAIL Standard</p> <p>Pass <input checked="" type="checkbox"/> Fail <input type="checkbox"/></p>			

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Managerial Competency Element: Resource Management

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	<p>Result 1: Understands the organization's financial processes.</p> <ul style="list-style-type: none"> Prepares, justifies, and administers the program budget. Oversees procurement and contracting to achieve desired results. Monitors expenditures and uses cost-benefit thinking to set priorities. Develops and implements strategies to reduce erroneous and late payments, prevent Anti-deficiency Act violations, and ensure adequate management controls. 	Financial Management	<ul style="list-style-type: none"> Displays an exceptional level of awareness and concern for agency expenditures and financial priorities. Through teamwork and institutional knowledge, leverages agency resources to achieve maximum results. Engages in the identification of cost saving strategies and efficiencies. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Manages agency resources through the utilization and administration of appropriate budget processes and requirements. Makes decisions based on the agency's financial priorities and expenditures. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<p>Result 2: Builds, trains, and manages workforce based on organizational goals, budget considerations, and staffing needs.</p> <ul style="list-style-type: none"> Ensures continuing application of, and compliance with, applicable Equal Employment Opportunity (EEO) laws, regulations, and policies. Promptly addresses allegations of prohibited discrimination, harassment, and retaliation. Ensures that EEO principles are adhered to throughout the organization. 	Talent Management Diversity	<ul style="list-style-type: none"> Displays the highest commitment to the identification and/or recruitment, development, promotion and retention of diverse and talented individuals to build leadership capacity throughout the agency. Is an active mentor and gives clear and actionable feedback to subordinates. Upholds EEO principles. Actively encourages and participates in succession planning. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Manages the workforce to meet the needs of the agency by taking into account EEO principles, succession planning, diversity, recruitment, and training. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	Result 3: Understands the impact of technological developments on the organization. • Makes effective use of technology to achieve results. • Ensures access to and security of technology systems.	Technology & Modernization	<ul style="list-style-type: none"> Identifies and creatively utilizes current and new technologies to maximize the agency's ability to achieve its priorities. Encourages the use of technology to share information and engage stakeholders. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Appropriately utilizes and upgrades technologies to meet agency goals. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Result 4: Links individual performance requirements to key organizational goals. • Incorporates organizational performance results into decisions about individual performance ratings and recognition. • Makes meaningful distinctions between levels of performance in ratings and recognizing subordinate performance.	Leadership Support Reward & Recognition Teamwork Individual Performance	<ul style="list-style-type: none"> Shares recognition and routinely rewards colleagues' accomplishments. Repeatedly demonstrates an ability to link individual with Departmental and agency performance requirements. Effectively uses agency and interagency teams to achieve agency outcomes. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Provides opportunities for individual and team development. Appropriately uses available performance, reward and recognition systems. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Result 5: Promotes an open, communicative environment that inspires and encourages service motivation, spirit, pride, and trust. • Facilitates cooperation and motivates individual staff members/teams to accomplish organizational goals. • Manages and resolves conflicts in a positive and constructive manner.	Communication & Morale	<ul style="list-style-type: none"> Sets an example of accessibility and transparency. Fosters and reinforces a collaborative and engaged environment that inspires and encourages service, motivation, spirit, pride and trust. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Manages an open, communicative environment that serves the agency's mission. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Result 6: Prevents staff from working unauthorized overtime hours by consistently applying Fair Labor Standards Act (FLSA) and DOL policy regarding overtime, maintaining an awareness of staff hours worked and organizational goals accomplished, and ensuring staff are knowledgeable of how FLSA designation impacts overtime eligibility and authorization.	Fair Labor Standards Act	<div style="text-align: center;">PASS/FAIL Standard</div> <div> Pass <input checked="" type="checkbox"/> Fail <input type="checkbox"/> </div>			

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<input type="checkbox"/>	<p>Result 7: Develops, implements, and maintains strategic and operational plans to facilitate the achievement of program responsibilities assigned under the American Recovery and Reinvestment Act (ARRA) provisions, consistent with the Secretary's enduring vision of <i>Good Jobs for Everyone</i>.</p> <ul style="list-style-type: none"> Assures that allocated ARRA funds are administered in accordance with the Department's "Operating Plan for Departmental Management of Funds in the American Recovery and Reinvestment Act." Complies with Departmental requirements for accurate recording and reporting of ARRA-related activities and resource utilization. 	American Recovery and Reinvestment Act	<p>[To be established at the Agency level.]</p> <input type="checkbox"/>	<p>[To be established at the Agency level.]</p> <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<p>Result 8: Actively recruits to attract and select qualified applicants with the competencies needed to successfully meet Departmental Fiscal Year 2010 hiring goals by embracing the use of available hiring flexibilities, developing robust recruitment strategies, and maximizing the use of technology. Applies merit principles to develop, select, and manage a diverse workforce.</p>	Hiring/Diversity	<ul style="list-style-type: none"> Manages with an acute understanding of available hiring flexibilities and utilizes them in order to attract and select qualified applicants. Sets and meets hiring goals to maintain strength and reduce lapsed FTE. <input type="checkbox"/>	<ul style="list-style-type: none"> Applies merit principles to develop, select, and manage a diverse workforce. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F

N/R = Not Rated

Kevin G. Stricklin
Rating of Record: Exemplary
Narrative Justification and
Justification for Bonus Greater than 10% of Salary

As the Director of MSHA's Coal Mine Safety and Health program overseeing 11 Districts 44 field offices nationwide, Mr. Stricklin is a leader in carrying out the Department of Labor's Strategic Goal to Secure Safe and Healthy Workplaces. Mr. Stricklin was the face of MSHA to the nation and the world following the Upper Big Branch (UBB) mine explosion on April 5, 2010 -- a tragedy that represented the worst mining disaster in more than a generation. The physical, logistical, and emotional burden of UBB is difficult to imagine. In the immediate aftermath of the Upper Big Branch tragedy, President Obama asked Secretary Solis, Assistant Secretary Main, and Kevin Stricklin to lead an investigation into what caused the explosion at Massey Energy Company's Upper Big Branch mine. Mr. Stricklin was among the DOL officials that briefed the President on the preliminary findings of the investigation. After the briefing, the President directed Secretary Solis, Assistant Secretary Main, and Administrator Stricklin to work closely with state mining officials to press ahead with the investigation.

Mr. Stricklin's commitment to excellence and his steady approach were particularly important as he provided invaluable, extensive support to the Office of the Inspector General (OIG) in its investigation of the MSHA Pattern of Violation (POV) process. Published on September 29, 2010, the OIG audit report contains 10 recommendations, and Mr. Stricklin will be a key leader in implementing the POV reforms. He also has been instrumental in ensuring that MSHA met its statutory 100% coal mine inspection mandate.

Despite the enormous personal drain of the UBB tragedy, Mr. Stricklin's knowledge, compassion, credibility, and direct, no-nonsense approach to obtaining and providing critically important information in a clear and sensitive manner were invaluable to MSHA, the Department, and the country. His exemplary leadership provides an example for others and is well deserving of a performance bonus in excess of 10 percent.

Narrative Justification of additional compensation up to 5% of the executive's
other wise appropriate bonus in support of one or more of the eight (8)
Departmental initiatives enumerated in the September 23, 2010 *Guidance on Fiscal
year 2010 Compensation Plan Options*

(5) Working the Upper Big Branch Mine disaster

On April 5, 2010, the Mine Safety and Health Administration (MSHA) received a report that a mine accident occurred at the Upper Big Branch (UBB) Mine in West Virginia. Twenty-nine miners were reported missing. Officials in the Department of Labor and MSHA were notified of the mine accident. At the same time, news of the accident was broadcast through media outlets domestically and internationally, garnering high profile attention. Mr. Stricklin became the primary face and voice of the Agency to the nation and world as the rescue/recovery progressed. In the aftermath of the explosion, MSHA's actions, prior to and after the disaster, resulted in increased scrutiny by the public, media, Congress and Department of Labor's Office of the Inspector General. Mr. Stricklin continues to be actively engaged in speaking to the families, keeping the Department and Congress updated on the progress of the investigations.

A cross-agency response was immediately initiated by deploying personnel and equipment critical to the Upper Big Branch rescue, recovery and communication efforts. Command centers in Arlington, VA and at the Upper Big Branch Mine were established as the hubs for these efforts. MSHA employees from across the country were deployed to assist with 24/7 mine emergency operations in primary and support functions. In the immediate months after the explosion to the conclusion of the MSHA mine rescue team completing the exploration and re-ventilation of the Upper Big Branch mine on June 24, 2010, MSHA received a barrage of requests for information and data, including media, Freedom of Information Act, Office of the Inspector General and Department of Justice requests, as well as numerous questions from within the Department of Labor and members of Congress. This cross-agency collaboration resulted in informed decision-making and timely responses. The agency continues to receive and respond to information requests.

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) WINSTON, DONALD				2. Social Security Number Redacted - Privacy		3. Date of Birth Redacted - Privacy		4. Effective Date 07/17/11	
FIRST ACTION					SECOND ACTION				
5-A. Code 893		5-B. Nature of Action REG WRI			6-A. Code		6-B. Nature of Action		
5-C. Code Q7M		5-D. Legal Authority REG 531.404			6-C. Code		6-D. Legal Authority		
5-E. Code		5-F. Legal Authority			6-E. Code		6-F. Legal Authority		
7. FROM: Position Title and Number					15. TO: Position Title and Number SUPERVISORY MINE SAFETY AND HEALTH SPE CC001307 P00327				
8. Pay Plan		9. Dec. Code		10. Grade/Level		11. Step/Rate		12. Total Salary	
						86		95,459.00	
13. Pay Grade		14. Dec. Code		15. Grade/Level		16. Step/Rate		17. Total Salary/Amount	
PA				13		87		98,187.00	
18A. Basic Pay		18B. Locality Adj.		18C. Adj. Basic Pay		18D. Other Pay		19A. Basic Pay	
83,619.00		11,848.00		95,459.00		.00		86,088.00	
19B. Locality Adj.		19C. Adj. Basic Pay		19D. Other Pay		20A. Basic Pay		20B. Locality Adj.	
		98,187.00		.00		12,179.00		98,187.00	
14. Name and Location of Position's Organization					23. Name and Location of Position's Organization MINE SAFETY AND HEALTH ADMINISTRATION OFFICE OF THE ASSISTANT SECRET OFC OF THE ADMINISTRATOR FOR C COALDIST.4 TECHNICAL DIV. DL M10106090304000000 PP 15 2011				
EMPLOYEE DATA					24. Tenure				
21. Veterans Preference 1					25. Agency Use 1				
22. FFCL 98 BASIC-1X ADDITIONAL					26. Veterans Preference for RIF YES X NO				
27. Retirement Plan K FERS AND FICA					28. Work Schedule F FULL TIME				
30. Service Comp. Date (Leave)					31. Pay Rate Determinant 0				
01/24/93					9 NOT APPLICABLE				
POSITION DATA					32. Part-Time Hours Per Biweekly Pay Period				
34. Position Occupied 1					35. FLSA Category E				
36. Appropriation Code 8888					37. Bargaining Unit Status 8888				
38. Duty Station Code 54-1870-019					39. Duty Station (City - County - State or Overseas Location) MOUNT HOPE FAYETTE WV				
40. Agency Data					41.				
42.					43.				
44.					45. Remarks Work performance is at an acceptable level of competence.				

46. Employing Department or Agency DEPARTMENT OF LABOR			48. Signature/Authentication and Title of Approving Official ES BY: CRYSTAL L. GUY HUMAN RESOURCES OFFICER		
47. Agency Code DL M1	48. Personnel Office ID 3392	49. Approval Date 07/09/11			



PERFORMANCE MANAGEMENT PLAN FOR MANAGERS AND SUPERVISORS

General Information		
Name:	Don Winston	
Organization:	MSHA Coal Mine Safety and Health	
Appraisal Period:	10/16/2008 To 10/9/2009	
Establishment of the Performance Management Plan		
We have discussed this plan; written comments have <input type="checkbox"/> have not <input checked="" type="checkbox"/> been attached.		
Manager/Supervisor:	Donald E. Winston Date: 10/1/08	
Rating Official:	Robert J. Hurd Date: 10/1/08	
Reviewing Official:	Robert J. Hurd Date: 10/16/2008	
Mid-Term Progress Review Certification		
The mid-term progress review has been conducted.		
Manager/Supervisor:	Donald E. Winston Date: 3/11/09	
Rating Official:	Robert J. Hurd Date: 3/11/09	
Performance Appraisal and Rating		
<input type="checkbox"/>	Exemplary	Exceed standards for all elements
<input checked="" type="checkbox"/>	Highly Effective	Exceed standards for 50% or more elements but not all; meet standards for all other elements
<input type="checkbox"/>	Effective	Meet standards for all elements and may exceed standards for less than 50% of elements
<input type="checkbox"/>	Minimally Satisfactory	Need to improve performance for one or more elements
<input type="checkbox"/>	Unsatisfactory	Fail to meet standards on one or more elements
We have discussed this appraisal; written comments have <input type="checkbox"/> have not <input checked="" type="checkbox"/> been attached.		
Manager/Supervisor:	Donald E. Winston	Date: 10/6/09
Rating Official:	Robert J. Hurd	Date: 10/6/09
Reviewing Official:	Robert J. Hurd	Date: 10/9/2009

**Performance
Summary**

For each element, use an "X" to indicate the appropriate rating.
Element ratings: E = Exceed, M = Meet, NI = Need to Improve, F = Fail

ELEMENT	ELEMENT RATING			
	E	M	NI	F
<i>Managerial Competencies:</i>				
A. Leadership	✓			
B. Resource Management	✓			
C. Coalition Building and Communication		✓		
D. Problem Solving and Initiative	✓			
<i>Achieving Organizational Results: Identify linkage with appropriate DOL Performance Outcome</i> <i>Goals: For each results-specific objective, reference the related outcome goal, e.g., 1.1, 2.1, 3.3, below:</i> <i>(MSHA's Organizational Results Goals 1 – 3 are based on the DOL Strategic Goal 3 – Safe and Secure Workplaces, and DOL Performance Goal 3B – Reduce Work-Related fatalities, injuries, and illnesses in mines.)</i>	✓			
<i>Result 1:</i> MSHA Goal – Fatal Injury Incidence Rate MSHA Goal – All Injury Incidence Rate MSHA Goal – Incumbent will monitor District Mine Safety and Health program area to ensure that citations / orders are timely terminated.				
<i>Result 2:</i> MSHA Goal – Reduce fatalities and injuries in the nation's mines by using the MSHA Key Indicators to direct resources to monitor and improve enforcement performance and quality.	✓			
<i>Result 3:</i> MSHA Goal – Reduce the Roof Control problems in our nation's mines.	✓			
<i>Result 4:</i> MSHA's Internal Employee Safety and Health Goals - (DOL Goals for President's SHARE Initiative for government wide Safety, Health and Return to Employment)		✓		

PURPOSE OF APPRAISAL:

_____ Interim Rating

✓ _____ Rating of Record

Other
Significant
Accomplishments

**Managerial
Competency
Elements**

A. LEADERSHIP

EXCEED	<input checked="" type="checkbox"/>
MEET	<input type="checkbox"/>
NEED TO IMPROVE	<input type="checkbox"/>
FAIL	<input type="checkbox"/>

Performance standards for Meet:

Develops and maintains long and short-term strategic planning to facilitate the achievement of the Agency's mission, consistent with key Agency policies and priorities and economic, political and social trends affecting the organization.

Anticipates and meets the needs of clients/customers. Sets standards for customers' needs and satisfaction, and meets them.

Uses agency performance plans and other management systems to link individual performance to outcomes and to overall organizational performance objectives.

B. RESOURCE MANAGEMENT

EXCEED	<input checked="" type="checkbox"/>
MEET	<input type="checkbox"/>
NEED TO IMPROVE	<input type="checkbox"/>
FAIL	<input type="checkbox"/>

Performance standards for Meet:

Ensures that staff are appropriately selected, utilized, appraised, and developed, as well as treated fairly and equitably. Takes steps to address issues of discrimination of which he or she is aware. Actively develops the talents of the staff, and develops qualified candidates for positions in the organization.

Uses informal training, continuous managerial assessments, frequent and constructive feedback and appropriate recognition to promote staff morale and to ensure quality work products and customer service.

Proactively works to maintain a safe workplace and to prevent accidents, injuries and illness. Resolves conflicts in a positive and constructive manner.

Assures that the organizational budget is administered in a manner that supports the accomplishment of program goals and reflects sound financial management.

Managerial
Competency
Elements

EXCEED	<input type="checkbox"/>
MEET	<input checked="" type="checkbox"/>
NEED TO IMPROVE	<input type="checkbox"/>
FAIL	<input type="checkbox"/>

C. COALITION BUILDING AND COMMUNICATION

Performance standards for Meet:

Promotes an open, communicative environment where staff can readily access resources and move forward to accomplish common goals and tasks. Handles workplace disputes promptly and effectively.

Makes clear to staff what is expected of them both individually and as a team/group; clarifies the extent of their authority.

Effectively represents the Department and the program agency internally and externally. Actively engages the cooperation of internal and external stakeholders in working on common tasks or group projects; shares work and decision-making with others.

D. PROBLEM SOLVING AND INITIATIVE

EXCEED	<input checked="" type="checkbox"/>
MEET	<input type="checkbox"/>
NEED TO IMPROVE	<input type="checkbox"/>
FAIL	<input type="checkbox"/>

Performance standards for Meet:

Stressed innovation and risk-taking. Analyzes problem and develops alternative solutions, emphasizing new approaches. Takes calculated risks to move program forward.

Displays an attitude that accepts mistakes as part of the developmental process, as the organization works to achieve results.

**Organizational
Performance
Elements**

Provide 4 results-specific objectives that demonstrate linkage with DOL's Strategic Plan outcome goals. This section should include the major results to be achieved during the period of time covered by the performance agreement. Results need to be clearly identified and measurable. They should be phrased in a manner that will leave no doubt about whether the results were achieved; however, the results should not include detailed milestones or descriptions of the process and methods used to get the results.

PERFORMANCE AGREEMENT RESULT # 1		Element 1
EXCEED	✓	Reduce the Mining Fatality Injury Incidence Rate in the Nation's Mines in accordance with the GPRA Goals outlined in the DOL Strategic Plan.
MEET		Element 2
NEED TO IMPROVE		Reduce the ALL Injury Incidence Rate in the Nation's Mines in accordance with the GPRA Goals outlined in the DOL Strategic Plan.
FAIL		Element 3
		Incumbent will monitor District Mine Safety and Health program area to ensure that citations/orders are timely terminated. Performance is satisfactory when the status of citations issued is monitored for timeliness of abatement. Performance will be measured by the degree to which the District is able to terminate citations within the period established by policy for abatement. Progress will be measured through a report furnished by PEIR. (DOL Strategic Goal 3 Safe and Secure Workplace – DOL Performance goal 3B – Reduce work-related fatalities, injuries and illnesses in mines)

PERFORMANCE AGREEMENT RESULT # 2		Reduce fatalities and injuries in the nation's mines by using the MSHA Key Indicators to direct resources to monitor and improve enforcement performance and quality.
EXCEED	✓	
MEET		
NEED TO IMPROVE		Incumbent monitors MSHA Key Indicator reports for inspector performance results outside the acceptable norms and averages for each District's unique and distinct performance levels. Incumbent understands the effects of each district's geography and work load when determining acceptable average performance baselines.
FAIL		<p>Performance results are not within acceptable norms and averages for each District's unique and distinct performance levels. Incumbent does not understand the effects of each district's geography and work load when determining acceptable average performance baselines.</p> <p>(DOL Strategic Goal 3 Safe and Secure Workplace – DOL Performance goal 3B – Reduce work-related fatalities, injuries and illnesses in mines)</p>

PERFORMANCE AGREEMENT RESULT # 3		- Reduce the Roof Control problems in our nation's mines.
EXCEED	✓	- Reduce the roof control problems through evaluations of the bolt length, pillaring systems, and entry/pillar dimensions.
MEET		Reduce the problems through evaluations at the high priority mines that are in difficult geological conditions.
NEED TO IMPROVE		
FAIL		<p>(DOL Strategic Goal 3 Safe and Secure Workplace – DOL Performance goal 3B – Reduce work-related fatalities, injuries and illnesses in mines)</p>

PERFORMANCE AGREEMENT RESULT # 4		MSHA's Internal employee safety and health goals for # 2008:
EXCEED	<input checked="" type="checkbox"/>	1. reduce the total case rates for injuries and illness by at least 3% per year;
MEET	<input checked="" type="checkbox"/>	2. reduce the case rates for lost time injuries and illnesses by at least 3% per year;
NEED TO IMPROVE	<input type="checkbox"/>	3. increase the timely filing of injury and illness notices by at least 5% per year; and
FAIL	<input type="checkbox"/>	4. reduce the rates of loss production days due to injuries and illnesses by at least 1% per year. (DOL Goals for President's SHARE initiative for government wide Safety, Health and Return to Employment)

ATTACHMENT A

Accomplishments FY 2009 – Don Winston

A. LEADERSHIP

Mr. Winston has provided excellent leadership for his work group. It is apparent that he knows what he is doing, a technical expert in roof control, and his specialists work efficiently for him. He has set up new oversight for the group, and has added additional specialists that will add to the presence at the mines as the E01 requirements are reduced.

B. RESOURCE MANAGEMENT

Mr. Winston used his resources in an efficient manner during the year. He has added specialists which will help. He prioritized the work load to do the right tasks. He did a good job getting the plans, roof fall evaluations, and other investigations done. The pending plans are now at a more manageable level. His use of Technical Support on the problem mines has also aided in using his resources. He maintains a close relationship with the Technical Support. They confirmed Mr. Winston's evaluation on several occasions.

D. PROBLEM SOLVING AND INITIATIVE

Mr. Winston is an expert in roof control and is able to evaluate problems and arrive at the proper conclusions. He has broad engineering expertise in the field. He knows the engineers in Technical Support and has good communication abilities with all. He provided technical expertise to the Solicitor's Office during depositions and hearings involving roof control violations. His insight into problems with roof control has been exceptional. He takes the initiative to get to the mines and provide better working conditions for the miners.

Result # 1

1. The fatality incidence rate was below the target.
2. The all injury incidence rate was below the target.

The effort made by the Technical Programs Division exceeded the standard. Every specialist did an outstanding job of writing the violations and abating the violations. The few that appeared on the report were from computer problems.

This Element was exceeded.

Result # 2

The District had two chargeable fatals. The fatal incidence rate was reported as 0.0. The effort was given by everyone in the Technical Programs Division, including myself, to prevent fatalities.

This Element was exceeded.

Result # 3

Mr. Winston is an expert in his field and his advice is respected. He is a solid technical, professional engineer that is a great asset to this District. He has personally handled very difficult roof conditions, and been able to explain these conditions to the operators. He led the development of roof control plans for the control of very adverse roof conditions in many mines. He was able to explain the failure mechanics to the operators and engineers who worded the plans properly.

This Element was exceeded.

Result # 4

Mr. Winston stresses safety to his work group. He leads in providing re-enforcement to all to be safe on the roads and safe in the mines. His group has been accident free this past year. His efforts and those of his specialists have been excellent. The SHARE goals were fully supported.

Performance Management Plan for Managers and Supervisors

General Information	
1. Employee Name (last, first, middle) Winston, Donald E.	2. Organization MSHA
3. Title, Series, Grade Supervisory Mine Safety and Health Specialist (Roof Control), GS-1822-13	4. Appraisal Period (mm/dd/yyyy) 11/23/2009 to 10/26/2010
5. Supervisory Status <input checked="" type="checkbox"/> Code 2 - Supervisor or Manager	

1. I certify that this performance plan contains accurate performance elements and standards that:	<input checked="" type="checkbox"/> Link at least one critical element to specific Department, Agency, and/or organizational strategic goal. <input checked="" type="checkbox"/> Hold the employee accountable for measurable and observable results. <input checked="" type="checkbox"/> Link to the employee's position description and reflect the duties and responsibilities assigned to the employee.
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2. Rating Official Signature <i>Richard J. Kline</i>	Date (mm/dd/yyyy) 11/23/2009
3. Rating Official Name (last, first, middle) Kline, Richard J.	
4. Rating Official Title Assistant District Manager	

5. Prototype Standards? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
1. Position description is correct? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If No, Explain below.)	
2. Rating Official Signature <i>Richard J. Kline</i>	Date (mm/dd/yyyy) 11/23/2009
3. Rating Official Name (last, first, middle) Kline, Richard J.	
4. Rating Official Title Assistant District Manager	

1. We have discussed this plan and written comments are attached. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If No, Explain below.)		2. Employee Signature <i>Donald E. Winston</i>		Date (mm/dd/yyyy) 11/23/2009	
3. Rating Official Signature <i>Richard J. Kline</i>		6. Reviewing Official Signature <i>Robert G. Hardman</i>		Date (mm/dd/yyyy) 11/23/2009	
4. Rating Official Name (last, first, middle) Kline, Richard J.		7. Reviewing Official Name (last, first, middle) Hardman, Robert G.			
5. Rating Official Title Assistant District Manager		8. Reviewing Official Title District Manager			

1. The mid-term progress review has been conducted. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If No, Explain below.)		3. Rating Official Signature <i>Richard J. Kline</i>		Date (mm/dd/yyyy) 04/05/2010	
2. Employee Signature <i>Donald E. Winston</i>		4. Rating Official Name (last, first, middle) Kline, Richard J.			
Date (mm/dd/yyyy) 4/5/10		5. Rating Official Title Assistant District Manager			

1. Indicate Performance appraisal and rating below.		2. We have discussed this appraisal; written comments are attached: <i>No Comments</i>	
<input checked="" type="checkbox"/> Exemplary <input checked="" type="checkbox"/> Highly effective <input type="checkbox"/> Effective <input type="checkbox"/> Minimally Satisfactory <input type="checkbox"/> Unsatisfactory	Exceed standards for all elements Exceed standards for 50% or more elements but not all; meets standards for all other elements Meet standards for all elements and may exceed standards for less than 50% of elements Need to improve performance for one or more elements Fail to meet standards on one or more elements		
3. Purpose of Appraisal <input type="checkbox"/> Interim Rating <input checked="" type="checkbox"/> Rating of Record		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

4. Rating Official Signature <i>Richard J. Kline</i>	7. Employee Signature <i>Donald E. Winston</i>
Date (mm/dd/yyyy) 10/25/2010	Date (mm/dd/yyyy) 10/25/10
5. Rating Official Name (last, first, middle) Kline, Richard J.	8. Reviewing Official Signature <i>Robert G. Hardman</i>
6. Rating Official Title ADM-TP	Date (mm/dd/yyyy) 10/26/2010
	9. Reviewing Official Name (last, first, middle) HARDMAN, ROBERT G.
	10. Reviewing Official Title DISTRICT MANAGER

Performance Summary

1. For each element, select the appropriate rating. Element ratings: E = Exceed; M = Meet; NI = Need to Improve; F = Fail

Managerial Competency Elements	Element Rating			
	E	M	NI	F
Leadership	<input checked="" type="checkbox"/>			
Resource Management	<input checked="" type="checkbox"/>			
Coalition Building and Communication		<input checked="" type="checkbox"/>		
Problem Solving and Initiative	<input checked="" type="checkbox"/>			
Equal Employment Opportunity		<input checked="" type="checkbox"/>		

Organizational Performance Elements	Element Rating			
	E	M	NI	F
Result 1	<input checked="" type="checkbox"/>			
Result 2	<input checked="" type="checkbox"/>			
Result 3	<input checked="" type="checkbox"/>			
Result 4		<input checked="" type="checkbox"/>		

Other Significant Accomplishments

1. Please describe other significant accomplishments in the space below.

Managerial Competency Elements

1. Leadership

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

Performance Standard for Meet

- Develops and maintains long and short-term strategic planning to facilitate the achievement of the Agency's mission, consistent with key Agency policies and priorities and economic, political, and social trends affecting the organization.
- Anticipates and meets the needs of clients/customers. Sets standards for customers' needs and satisfaction and meets them.
- Uses Agency performance plans and other management systems to link individual performance to outcomes and to overall organizational performance objectives.
- Promotes and maintains diverse and inclusive workforce by actively recruiting and hiring from diverse applicant pools; fostering collaboration with individuals from diverse backgrounds, perspectives, and experiences; ensuring opportunities for growth exist equitably for all employees; and providing fair and equitable recognition of accomplishments for all employees.

Narrative

See Attachment.

2. Resource Management

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

Performance Standard for Meet

- Ensures that staff are appropriately selected, utilized, appraised and developed. Actively develops the talent of the staff and develops qualified candidates for positions in the organization.
- Prevents staff from working unauthorized overtime hours by consistently applying Fair Labor Standards Act (FLSA) and DOL policy regarding overtime, maintaining an awareness of staff hours worked and organizational goals accomplished, and ensuring staff are knowledgeable of how FLSA designation impacts overtime eligibility and authorization.
- Uses informal training, continuous managerial assessments, frequent and constructive feedback and appropriate recognition to promote staff morale and to ensure quality work products and customer service.
- Proactively works to maintain a safe workplace and to prevent accidents, injuries and illness. Resolves conflicts in a positive and constructive manner.
- Assures that the organizational budget is administered in a manner that supports the accomplishment of program goals and reflects sound financial management.
- Develops, implements, and maintains strategic and operational plans to facilitate the achievement of program responsibilities, assigned under the American Recovery and Reinvestment Act (ARRA) provisions, consistent with the Secretary's enduring vision of Good Jobs for Everyone. Assures that allocated ARRA funds are administered in accordance with the Department's "Operating Plans for Departmental Management Funds in the American Recovery and Reinvestment Act", and complies with Departmental requirements for accurate recording and reporting of ARRA-related activities and resource utilization.
- Actively recruits to attract and select qualified applicants with the competencies needed to successfully meet Departmental Fiscal Year 2010 hiring goals by embracing the use of available hiring flexibilities, developing robust recruitment strategies, and maximizing the use of technology. Applies merit principles to develop, select, and manage a diverse workforce.

Narrative

See Attachment

3. Coalition Building and Communication

☐ Exceed ☒ Meet ☐ Need to Improve ☐ Fail

Performance Standard for Meet

- Promotes an open, communicative environment where staff can readily access resources and move forward to accomplish common goals and tasks. Handles workplace disputes promptly and effectively.
- Makes clear to staff what is expected of them both individually and as a team/group; clarifies the extent of their authority.
- Effectively represents the Department and the program agency internally and externally. Actively engages the cooperation of internal and external stakeholders in working on common tasks or group projects; shares work and decision-making with others.

Narrative

See Attachment

4. Problem Solving and Initiative

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

Performance Standard for Meet

- Stresses innovation and risk-taking. Analyzes problems and develops alternative solutions, emphasizing new approaches. Takes calculated risks to move program forward.
- Displays an attitude that accepts mistakes as part of the developmental process, as the organization works to achieve results.

Narrative

See Attachment.

5. Equal Employment Opportunity

☐ Exceed ☒ Meet ☐ Need to Improve ☐ Fail

Performance Standard for Meet

- Ensures continuing application of, and compliance with, applicable Equal Employment Opportunity (EEO) laws, regulations, and policies. Promptly addresses allegations of prohibited discrimination, harassment, and retaliation; ensures EEO principles are adhered to throughout the organization.

Narrative

See Attachment

J. Organizational Performance Elements

At the beginning of the performance cycle, the rating official must provide, in Section J, four critical, results-specific elements and standards, at least one of which demonstrates linkage with the Secretary's vision of Good Jobs for Everyone that the employee will be held accountable for during the performance cycle. Each performance standard must be written at the Meets level and includes measures of performance such as quality, quantity, timeliness and cost effectiveness. Standards should be clear and not include detailed milestones or descriptions of the process and methods used to achieve the results.

In assigning a rating to each element, please rate the employee at one of the following four levels and include a written narrative as appropriate:

- Exceeds described level of performance (narrative required)
- Meets described level of performance (narrative not required)
- Needs to improve in order to meet the level of performance (narrative required)
- Fails to meet described level of performance (narrative required)

Result #1

☒ Exceed ☐ Meet ☐ Need to improve ☐ Fail

In support of the Secretary's Vision of Good Jobs for Everyone through Outcome Goal 2 – Securing safe and healthy workplaces, wages and overtime, particularly in high-risk industries and Outcome Goal 10 – Voice in the Workplace:

Demonstrates efforts toward the reduction of the mining fatality injury incidence rate in the District's Coal mines in accordance with the performance goals and indicators.

Demonstrates efforts toward the reduction of the ALL injury incidence rate in the District's Coal mines in accordance with the performance goals and indicators.

Monitor mine safety and health program area to ensure that citations/orders are timely terminated, Hazard Condition Complaints are timely processed, and mine plan approvals are evaluated in a timely manner.

Performance Standard

Performance is satisfactory when:

A 5% reduction in FY10 from the average number of fatalities for FY2005 – FY2009.

Performance will be measured by the degree to which within their respective District, mine plan approvals are evaluated in a timely manner, the status of citations issued is monitored for timeliness of abatement, the District is able to terminate citations within the period established by policy for abatement, and Hazard Condition Complaints are timely processed. Progress will be measured by using a variety of reports.

Narrative

See Attachment

Result #2

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

In support of the Secretary's Vision of Good Jobs for Everyone through Outcome Goal 2 – Securing safe and healthy workplaces, wages and overtime, particularly in high-risk industries and goal 10 – Voice in the Workplace:

Demonstrates efforts toward the reduction of the fatalities and injuries in the District's Coal mines by using the MSHA Key Indicators and other reports to direct resources to monitor and improve enforcement performance and quality. Monitors MSHA Coal Key Indicator and other reports for performance results outside the acceptable norms and averages for the Coal Districts' unique and distinct performance levels. Incumbent understands the effects of the District's geography and work load when determining acceptable average performance baselines.

Performance Standard

Performance is satisfactory when:

The Incumbent demonstrates the use of the MSHA Key Indicators and other reports in the daily managerial decision-making process, demonstrates an understanding of the root causes for variances in monthly reporting, assigns responsibility for the variances, accounts for their occurrence and remedy where applicable and shares best practices with relevant MSHA employees. Within their respective District, the incumbent must ensure that the completion rate of all ED1 inspections is 100%. Exception to this only may be granted if the incumbent can demonstrate supporting aberrations beyond the control of the incumbent's management ability that prevented 100% completion. The completion rate of all ED1 inspections at 100% will be for all coal mines district-wide.

Narrative

See Attachment

Result #3

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

In support of the Secretary's Vision of Good Jobs for Everyone through Outcome Goal 2 – Securing safe and healthy workplaces, wages and overtime, particularly in high-risk industries and goal 10 – Voice in the Workplace:

Take appropriate action to ensure the District achieves a 2% reduction from the previous year for dust and noise sample results exceeding the allowable limits.

Take appropriate actions to ensure that roof control plans/programs are in compliance with regulations and agency policy.

Take progressive and proactive actions to ensure that roof control plans/programs adequately address mining conditions on a mine specific basis.

Performance Standard

Performance is satisfactory when:

Mine plan addendums are acted upon in a timely manner in accordance with the District's SOPs. Incumbent supports the District's efforts in reducing dust and noise exposures, reviews the quality of roof control plans during 6 month reviews with additional attention to target the most egregious and persistent violators of roof control standards, and ensures that the roof bolting process is not contributing to an increase in respirable dust or excessive noise.

Narrative

See Attachments

Result #4

☐ Exceed ☒ Meet ☐ Need to Improve ☐ Fail

In support of the Secretary's vision of Good Jobs for Everyone through Outcome Goal 2 – Securing safe and healthy workplaces, wages and overtime, particularly in high-risk industries and Goal 10 – Voice in the Workplace:

Use all available tools in an effort to reduce and/or eliminate the inconsistent enforcement of MSHA regulations, the Mine Act and the MINER Act.

Use all available tools in an effort to reduce and/or eliminate the deficiencies identified in Accountability, District and Peer reviews. Incumbent will review findings noted in such reviews and timely implement corrective actions.

Performance Standard

Performance is met when:

- (1) MSHA handbook, policy and procedures have been followed;
- (2) Required Mine visits are completed;
- (3) Demonstrated efforts have been made to reduce or eliminate repeat audit findings and personnel are trained as necessary;
- (4) Field Activity and Second Level reviews are accurately completed and all deficiencies are addressed;
- (5) There are clear demonstrated efforts made to help assure consistency in citations/orders issued;
- (6) Hazard Condition Complaints are timely processed; and
- (7) Mine plan approvals have been adequately evaluated and appropriate approval/disapproval conducted.

Narrative

See Attachment.

ATTACHMENT A

Don Winston
Accomplishments FY 2010

1. Leadership

Mr. Winston has demonstrated his excellence as a leader, organizer, and supervisor of the Roof Control Work Group. He is confident and very knowledgeable. He can handle himself in difficult situations with the mine operators, whether at the mine or in meeting situations. Mr. Winston has long and short range goals to utilize the grossly understaffed group. He has organized the Roof Control group, and the efficiency is excellent. His planning in long and short time goals is consistent with the agencies mission. His leadership of the group follows policy and other trends in the industry. He is good at anticipating problems and keeping the proper perspective between the inspection groups and the technical work group. He has followed excellent practice in hiring and maintaining a diverse work group within the personnel policies.

2. Resource Management

Mr. Winston demonstrated his ability to effectively use the specialists assigned to his work group. Mr. Winston keeps management apprised of his group resources. In spite of this short coming, has continued to push the specialists to do quality work. He has trained them properly, assessing them, and keeping their moral at a high level. He is proactive in maintaining a safe work environment for the employees. He is very aware of the vision for good jobs for everyone, and supports its purpose.

3. Coalition Building and Communication

Mr. Winston continually talked with the CMI's, Supervisors, and ADM's to forge an understanding of the plans and procedures that are being submitted now. His communications are understandable and clear. He keeps his staff aware of the changes going on in the District and their extent of authority. He builds the communication necessary to get the cooperation within the work group, and makes the process efficient. He promotes an open atmosphere for all specialists to communicate with the district staff at all levels. He has expertly represented

the District and MSHA on plan reviews. He has shown his ability to work with all levels in the MSHA organization and with all levels in the industry.

4. Problem Solving and Initiative

Mr. Winston has a quick grasp of new rules and policies, and applies them across the board. His inspection experience has helped his group understand the problems at the mines. He teaches and coaches his specialists so they have an understanding of the policy. He suggested methods to approach the multitude of situations that came to the work group. His attitude has always stayed firm and proper in some very difficult situations. He shows his group proper innovation and risk-taking. He discusses issues with all so that they are handled properly, and prevent issues from coming up.

5. Equal Employment Opportunity

Mr. Winston ensured during the year that all EEO laws, regulations and policies was followed in the Roof Control Work Group. He promptly handled any potential problems that came to his attention. No known discrimination, harassment, or other items are known to have happened. He discusses the issues in managing the work group by talking to all in the group about the issues at hand. He exceeded this standard with his positive leadership.

Result # 1

Mr. Winston made an excellent effort in reducing the accidents and injuries while at the mines and in communication with his specialists. He talks to the miners at every occasion he gets to impart safe work practices. His specialists also show the dedication for safety. His group had few violations past due.

Result # 2

Mr. Winston has demonstrated exceptional effort when at the mines to impart health and safety and accident free work places with the miners. His specialists have also shown the same effort while at the mines. He has monitored the key indicators to help supervise the group. Mr. Winston has spread the work load through all the specialists in the work group. He understands that this District is

a large area in all of southern West Virginia. This causes good planning to enable proper use of the specialists.

Result # 3

Mr. Winston is a good Supervisor. He demonstrates each day the technical expertise that he uses in reducing the problems in the District mines. He has worked diligently in reducing the multitude of problems at the mines. Each plan is given proper evaluation, with hardly any technical issues and few mistakes. His technical knowledge shows in getting the plans evaluated properly and according to applicable regulations. He works with the other work groups to ensure the best plans are recommended for approval.

Result # 4

Mr. Winston works with his specialists to achieve a safe work place in the office and at the mines. The Roof Control group under Mr. Winston's supervision put the effort forward to prevent accidents. Mr. Winston uses all the enforcement tools in keeping the enforcement actions consistent across all mines. He coaches his staff to get the standard evaluation of all the plans. Any items that the accountability reviews identify are handled in his work group to make improvement and prevent any of these items from showing up again. Reviews that were done were done completely and with deficiencies handled. Assistance with complaints and spot inspections were done properly and professionally. All plan approvals were done technically correct.

Kline, Richard J - MSHA

From: Winston, Donald E - MSHA
Sent: Wednesday, October 06, 2010 4:52 PM
To: Kline, Richard J - MSHA
Subject: accomplishments

Roof Control Work Group Accomplishments 2010:

Roof-Control Plans and Supplements processed-	305
Ground Control Plans and Revisions processed-	112
Highwall Miner Recovery Plans processed-	10
Roof-Fall Cleanup Plans-	58
Total Plan-	485

The number of events the Roof Control Group participated in is as follows:

E01-	235 (one complete E01)
E02-	3
E03-	3
E04-	1
E06-	39
E07-	2
E08-	42
E09-	45
E16-	27
E20-	86

Note: The above numbers are not separate events, at times more than one specialist may have been on the same event.

The E06 and E09 events were UBB. A lot of Roof Control man hours were used during the recovery, monitoring the gases and guard duty.

The specialists inspected retreat mining sections for the Mt. Hope and Madison field offices on a monthly basis.

The specialists inspected roof falls and mines with adverse roof conditions and provided assistance for Remedial actions.

The group assisted other departments with computer drafting and engineering.

No injuries or accidents reported by members of the Roof Control Group this year.

As supervisor provided guidance and training for the specialists, especially the new members.

10/7/2010

DLB-2255-00173

Performance Management Plan for Managers and Supervisors



1. Employee Name (last, first, middle) Winston, Donald E.		2. Organization Labor, MSHA, District 4											
3. Title, Series, Grade TECH SUPERVISOR (ROOF)		4. Appraisal Period (mm/dd/yyyy) 11/29/2010 to 10/19/2011											
5. Supervisory Status <input checked="" type="checkbox"/> Code 2 - Supervisor or Manager													
B. Performance Elements and Standards Certification:													
1. I certify that this performance plan contains accurate performance elements and standards that:		<input checked="" type="checkbox"/> All critical results elements link to the Agency's operating plan. <input checked="" type="checkbox"/> Held this employee accountable for measurable and/or observable results. <input checked="" type="checkbox"/> Link to the employee's position description and reflect the duties and responsibilities assigned to the employee.											
2. Rating Official Signature <i>Richard J. Kline</i>		Date (mm/dd/yyyy) 11/04/2010											
3. Rating Official Name (last, first, middle) Kline, Richard J.													
4. Rating Official Title ADM - TP													
5. Prototype elements and/or standards <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No													
C. Position Description Certification:													
1. Position description is correct? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If No, explain below.)		2. Rating Official Signature <i>Richard J. Kline</i>											
		Date (mm/dd/yyyy) 11/04/2010											
3. Rating Official Name (last, first, middle) Kline, Richard J.													
4. Rating Official Title ADM - TP													
D. Establishment of the Performance Management Plan:													
1a. I discussed the plan with employee <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		1b. Employee written comments are attached. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No											
3. Rating Official Signature <i>Richard J. Kline</i>		2. Employee Signature <i>Donald E. Winston</i>											
Date (mm/dd/yyyy) 11/04/2010		Date (mm/dd/yyyy) 11/04/10											
4. Rating Official Name (last, first, middle) Kline, Richard J.													
5. Rating Official Title ADM - TP													
6. Reviewing Official Signature <i>Robert G. Hardman</i>													
Date (mm/dd/yyyy) 11/29/2010													
7. Reviewing Official Name (last, first, middle) Hardman, Robert G.													
8. Reviewing Official Title DM													
E. Mid-Term Progress Review Certification:													
1. The mid-term progress review has been conducted. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If No, explain below.)		3. Rating Official Signature <i>David Scott</i>											
		Date (mm/dd/yyyy) 4/21/11											
4. Rating Official Name (last, first, middle) Mandeville David Scott													
5. Rating Official Title ADM Tech													
2. Employee Signature <i>Donald E. Winston</i>		Date (mm/dd/yyyy) 4/21/11											
F. Performance Appraisal and Rating:													
1. Indicate performance appraisal and rating below.		2a. I discussed this appraisal with employee. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No											
<table border="1"> <tr> <td><input checked="" type="checkbox"/> Exemplary</td> <td>Exceed standards for all elements</td> </tr> <tr> <td><input type="checkbox"/> Highly Effective</td> <td>Exceed standards for 50% or more elements but not all; meet standards for all other elements</td> </tr> <tr> <td><input type="checkbox"/> Effective</td> <td>Meet standards for all elements and may exceed standard for less than 50% of elements</td> </tr> <tr> <td><input type="checkbox"/> Minimally Satisfactory</td> <td>Need to improve performance for one or more elements</td> </tr> <tr> <td><input type="checkbox"/> Unsatisfactory</td> <td>Fall to meet standards on one or more elements</td> </tr> </table>		<input checked="" type="checkbox"/> Exemplary	Exceed standards for all elements	<input type="checkbox"/> Highly Effective	Exceed standards for 50% or more elements but not all; meet standards for all other elements	<input type="checkbox"/> Effective	Meet standards for all elements and may exceed standard for less than 50% of elements	<input type="checkbox"/> Minimally Satisfactory	Need to improve performance for one or more elements	<input type="checkbox"/> Unsatisfactory	Fall to meet standards on one or more elements	2b. Employee written comments are attached. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input checked="" type="checkbox"/> Exemplary	Exceed standards for all elements												
<input type="checkbox"/> Highly Effective	Exceed standards for 50% or more elements but not all; meet standards for all other elements												
<input type="checkbox"/> Effective	Meet standards for all elements and may exceed standard for less than 50% of elements												
<input type="checkbox"/> Minimally Satisfactory	Need to improve performance for one or more elements												
<input type="checkbox"/> Unsatisfactory	Fall to meet standards on one or more elements												
3. Purpose of Appraisal <input type="checkbox"/> Interim Rating <input checked="" type="checkbox"/> Rating of Record		7. Employee Signature <i>Donald E. Winston</i>											
		Date (mm/dd/yyyy) 10/17/2011											
4. Rating Official Signature <i>Joseph C. Mackowiak</i>		8. Reviewing Official Signature <i>Chapman, Charles E.</i>											
Date (mm/dd/yyyy) 10/17/2011		Date (mm/dd/yyyy) 10-19-11											
5. Rating Official Name (last, first, middle) Mackowiak, Joseph, C.													
6. Rating Official Title Assistant District Manager - TP													
9. Reviewing Official Name (last, first, middle) Chapman, Charles E.													
10. Reviewing Official Title District Manager													

G. Performance Summary

1. For each element, select the appropriate rating. Element ratings: E = Exceed; M = Meet; NI = Need to Improve; F = Fail

Managerial Competency Elements	Element Rating			
	E	M	NI	F
Leadership	<input checked="" type="checkbox"/>			
Resource Management		<input checked="" type="checkbox"/>		
Conflict Building and Communication	<input checked="" type="checkbox"/>			
Problem Solving and Initiative	<input checked="" type="checkbox"/>			
Equal Employment Opportunity and Diversity		<input checked="" type="checkbox"/>		

Results Elements	Element Rating			
	E	M	NI	F
Result 1	<input checked="" type="checkbox"/>			
Result 2	<input checked="" type="checkbox"/>			
Result 3	<input checked="" type="checkbox"/>			
Result 4	<input checked="" type="checkbox"/>			
Result 5				
Result 6				
Result 7				
Result 8				

H. Other Significant Accomplishments

1. Please describe other significant accomplishments in the space below.

Managerial Competency Elements

1. Leadership ☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

Performance Standard

- Develops and maintains long and short-term strategic planning to facilitate the achievement of the Agency's mission and to improve performance consistent with key organizational policies and priorities and economic, political, and social trends affecting the organization.
- Anticipates and meets the needs of clients/customers to provide better service. Sets standards for customer needs and satisfaction, and meets them. Uses effective business practices including balanced measures to consider customer, stakeholder, and employee perspectives.
- Displays an attitude that accepts mistakes as part of the developmental process, as the organization works to achieve results that promote innovation, efficiency, and greater effectiveness.
- Links individual performance requirements to key organizational goals. Incorporates organizational performance results into decisions about individual performance ratings and recognition. Makes meaningful distinctions between levels of performance in ratings. Recognizes subordinate performance and teamwork.
- Promotes and adheres to the highest ethical standards of public service.

Narrative

During the appraisal period, Mr. Winston supervised the review of nearly 400 roof control and other plans. He recommended approval or denial of these plans by providing expert guidance to roof control specialists. When dealing with mine operators and their submittals, he explains what is expected relative to safety precautions and ensures that plans are tailored to the individual needs of the mine. This approach increases the effectiveness of the plans and helps ensure safety for mining personnel. He consistently displays a positive, hard working attitude which increases the overall effectiveness of the work group. He plans ahead to prevent mining hazards and to ensure that work is accomplished in a timely manner. When a mistake in work is realized, he immediately employs a positive response and improves the situation immediately. He is very detail oriented and supervisory reviews of his work products indicate a very high level of proficiency.

2. Resource Management

☐ Exceed ☒ Meet ☐ Need to Improve ☐ Fail

Performance Standard

- Understands the organization's financial processes. Prepares, justifies, and administers the program budget. Oversees procurement and contracting to achieve desired results. Monitors expenditures and uses cost-benefit thinking to set priorities. Develops and implements strategies to reduce erroneous and late payments, prevent Anti-deficiency Act violations, and ensure adequate management controls.
- Actively recruits to attract and select qualified applicants with the competencies needed by embracing the use of available hiring flexibilities, developing robust recruitment strategies, and maximizing the use of technology. Applies merit principles to develop, select, and manage a diverse workforce.
- Understands the impact of technological developments on the organization. Makes effective use of technology to achieve results. Ensures access to and security of technology systems.
- Prevents staff from working unauthorized overtime hours by consistently applying Fair Labor Standards Act (FLSA) and DOL policy regarding overtime, maintaining an awareness of staff hours worked and organizational goals accomplished, and ensuring staff are knowledgeable of how FLSA designation impacts overtime eligibility and authorization.

Narrative

3. Coalition Building and Communication

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

Performance Standard

- Promotes an open, communicative environment that inspires and encourages service motivation, spirit, pride, and trust. Facilitates cooperation and motivates individual staff members/teams to accomplish organizational goals. Manages and resolves conflicts in a positive and constructive manner.
- Stresses innovation, creativity, and risk-taking. Analyzes problems and develops alternative solutions, emphasizing new approaches. Takes calculated risks to move programs forward.

Narrative

During the past year, Mr. Winston has displayed an exceptional level of concern for the use of his time to help regular inspectors. He utilizes his expert mining and roof control/ground control knowledge to identify issues, locate problems and develop acceptable and proper remedial actions. Other departments routinely seek his expert advice and he is highly regarded in his field. He challenges mine operators with alternative solutions to mine stability problems in order to achieve successful outcomes to issues they are facing. He is very persuasive and represents MSHA in a very effective and professional manner. The Office of the Solicitor General has utilized his expertise on several legal cases which were all settled in a positive manner in MSHA's favor. Feedback from governmental attorneys has been exceptionally generous in favor of Mr. Winston. He has worked very hard this past year and he deserves to exceed this standard.

4. Problem Solving and Initiative

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

Performance Standard

- Effectively represents the Department and the organization internally and/or externally. Actively engages the cooperation of internal and external stakeholders in working on common tasks or group projects; shares work and decision-making with others.

Narrative

Mr. Winston is an effective engineer with exceptional problem solving skills. He is an excellent communicator and utilizes his data gathering skills to fully understand situations before developing well thought out and calculated solutions. His extensive experience and knowledge is utilized daily to solve problems and develop innovative solutions. During the appraisal period, he worked extensively with one of the largest underground longwall mines in the district, Mingo Logan Coal Company's Mountaineer II Mine, and helped them improve their roof control plan to ensure that tailgate support was adequate. When a failure occurred at the mine, he effectively utilized additional technical specialists from outside the district in order to achieve a higher level of safety for the miners.

A roof fall clean-up plan was developed by the Mountaineer II mine and submitted to MSHA for review. Mr. Winston identified several deficiencies and convinced the operator to improve the plan without hesitation. He is an effective negotiator and solves problems in a proactive manner in order to achieve positive results.

5. Equal Employment Opportunity and Diversity

☐ Exceed ☒ Meet ☐ Need to Improve ☐ Fail

Performance Standard

- Promotes and maintains a diverse and inclusive workforce. Actively recruits and hires from diverse applicant pools. Fosters collaboration with individuals from diverse backgrounds, perspectives, and experience. Ensures that opportunities for growth exist equitably for all employees. Provides fair and equitable recognition of accomplishments for all employees.
- Builds, trains, and manages workforce based on organizational goals, budget considerations, and staffing needs. Ensures continuing application of, and compliance with, applicable Equal Employment Opportunity (EEO) laws, regulations, and policies. Promptly addresses allegations of prohibited discrimination, harassment, and retaliation. Ensures that EEO principles are adhered to throughout the organization.

Narrative

J. Results Elements

Provides as many critical results-specific elements as are necessary to reflect the manager/supervisor's specific responsibilities in the implementation of their agency's operating plan. All elements and standards must be linked to the operating plan and should describe the specific major results to be achieved during the period of performance covered by the performance plan. Each performance standard must be written at the Meets level and include measures of performance such as quality, quantity, timeliness, and cost effectiveness. Standards should be clear and not include detailed milestones for descriptions of the process and methods used to achieve the results.

The rating official must appraise the manager/supervisor's performance relative to the critical results-elements performed. In assigning a rating to each critical results element, please rate the manager/supervisor at one of the following four levels and include a written narrative as appropriate:

- Exceeds described level of performance (narrative required)
- Meets described level of performance (narrative not required)
- Need to improve in order to meet the level of performance (narrative required)
- Fails to meet described level of performance (narrative required)

Fifty percent (50%) of the summary rating indicated in Section F1 is based on the manager/supervisor's performance relative to the critical results elements identified in this section. The remaining 50% is attributed to the manager/supervisor's demonstrated performance of the managerial competencies identified in Section I.

Result #1 ☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail
In support of the Secretary's Vision of Good Jobs for Everyone through Outcome Goal 2 – Securing safe and healthy workplaces, wages and overtime, particularly in high-risk industries and Outcome Goal 10 – Voice in the Workplace:

Demonstrates efforts toward the reduction of the mining fatality Injury Incidence Rate in the District's Coal mines in accordance with the performance goals and indicators.

Demonstrates efforts toward the reduction of the ALL Injury Incidence Rate in the District's Coal mines in accordance with the performance goals and indicators.

Monitor mine safety and health program area to ensure that citations/orders are timely terminated, Hazard Condition Complaints are timely processed, and mine plan approvals are evaluated in a timely manner.

Performance Standard

Performance is satisfactory when:

A 5% reduction in FY10 from the average number of fatalities for FY2005 – FY2009.

Performance will be measured by the degree to which within their respective District, mine plan approvals are evaluated in a timely manner, the status of citations issued is monitored for timeliness of abatement, the District is able to terminate citations within the period established by policy for abatement, and Hazard Condition Complaints are timely processed. Progress will be measured by using a variety of reports.

Narrative

District 4 and 12's mine plans are approved in a timely manner despite the high number of accident investigations conducted by the department. The roof control department led the specialists groups with the highest amount of on-site time out of all the technical groups. Additionally, through the involvement of the supervisor, Mr. Winston has reduced the number of overdue citations. Key indicator reports indicate that the department is effectively operated. During accompanied activities Mr. Winston's attention to detail and willingness to issue violations outside of his roof control duties has helped District 4 achieve a reduction in the fatal injury incident rate.

Approximately 400 mine plans were reviewed this past year, and employees of the roof control department worked on nearly 150 different inspection events. This is an exceptional achievement for a moderately sized group of individuals.

Result #2

☒ Exceed ☐ Meet ☐ Need to improve ☐ Fail

In support of the Secretary's Vision of Good Jobs for Everyone through Outcome Goal 2 – Securing safe and healthy workplaces, wages and overtime, particularly in high-risk industries and goal 10 – Voice in the Workplace:

Demonstrates efforts toward the reduction of the fatalities and injuries in the District's Coal mines by using the MSHA Key Indicators and other reports to direct resources to monitor and improve enforcement performance and quality. Monitors MSHA Coal Key Indicator and other reports for performance results outside the acceptable norms and averages for the Coal Districts' unique and distinct performance levels. Incumbent understands the effects of the District's geography and work load when determining acceptable average performance baselines.

Performance Standard

Performance is satisfactory when:

The incumbent demonstrates the use of the MSHA Key Indicators and other reports in the daily managerial decision-making process, demonstrates an understanding of the root causes for variances in monthly reporting, assigns responsibility for the variances, accounts for their occurrence and remedy where applicable and shares best practices with relevant MSHA employees. Within their respective District, the incumbent must ensure that the completion rate of all EOI inspections is 100%. Exception to this only may be granted if the incumbent can demonstrate supporting aberrations beyond the control of the incumbent's management ability that prevented 100% completion. The completion rate of all EOI inspections at 100% will be for all coal mines district-wide.

Narrative

MSHA key indicator reports are routinely reviewed and Mr. Winston effectively communicates MSHA's goals and his expectations to his technical group.

He rotates mine plan assignments, accident investigations, and routine inspection work amongst his specialists to ensure a fair and equitable workplace.

His involvement on a day-to-day basis and his dedication has improved MSHA's overall performance and assisted with the attainment of the 100% mine inspection completion rate. He provides expert guidance to his staff and always appears to follow-up on his guidance to assure proper actions have been taken.

His work and dedication has assisted MSHA in the 100% completion of all required inspections during the appraisal period. He urges all specialist work on regular inspections as much as feasible and substantiates his wishes with supervisory reviews which further support this requirement.

Result #3

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

In support of the Secretary's Vision of Good Jobs for Everyone through Outcome Goal 2 – Securing safe and healthy workplaces, wages and overtime, particularly in high-risk industries and goal 10 – Voice in the Workplace:

Take appropriate action to ensure the District achieves a 2% reduction from the previous year for dust and noise sample results exceeding the allowable limits.

Take appropriate actions to ensure that roof control plans/programs are in compliance with regulations and agency policy.

Take progressive and proactive actions to ensure that roof control plans/programs adequately address mining conditions on a mine specific basis.

Performance Standard

Performance is satisfactory when:

Mine plan addendums are acted upon in a timely manner in accordance with the District's SOPs. Incumbent supports the District's efforts in reducing dust and noise exposures, reviews the quality of roof control plans during 6 month reviews with additional attention to target the most egregious and persistent violators of roof control standards, and ensures that the roof bolting process is not contributing to an increase in respirable dust or excessive noise.

Narrative

Mine plan addendums were acted upon in a timely manner in accordance with the District's SOPs, and with established MSHA policies and procedures. Mr. Winston traveled to numerous mines throughout the district and properly supports the District's efforts in reducing dust and noise exposures. He is known for citing any violation, rather than just working within his realm of expertise.

During the appraisal period, he prompted major upgrades to numerous plans including roof control plans at the Pinnacle Mine, Rock Creek Development, and the Rockhouse No. 8 mines. He also aided other departments on numerous plan reviews including shaft and slope sinking plans, bleeder stability for mine ventilation plans, and mining under bodies of water plans.

Result #4

☒ Exceed ☐ Meet ☐ Need to improve ☐ Fail

In support of the Secretary's vision of Good Jobs for Everyone through Outcome Goal 2 -- Securing safe and healthy workplaces, wages and overtime, particularly in high-risk industries and Goal 10 -- Voice in the Workplace:

Use all available tools in an effort to reduce and/or eliminate the inconsistent enforcement of MSHA regulations, the Mine Act and the MINER Act.

Use all available tools in an effort to reduce and/or eliminate the deficiencies identified in Accountability, District and Peer reviews. Incumbent will review findings noted in such reviews and timely implement corrective actions.

Performance Standard

Performance is met when:

- (1) MSHA handbook, policy and procedures have been followed;
- (2) Required Mine visits are completed;
- (3) Demonstrated efforts have been made to reduce or eliminate repeat audit findings and personnel are trained as necessary;
- (4) Field Activity and Second Level reviews are accurately completed and all deficiencies are addressed;
- (5) There are clear demonstrated efforts made to help assure consistency in citations/orders issued;
- (6) Hazard Condition Complaints are timely processed; and
- (7) Mine plan approvals have been adequately evaluated and appropriate approval/disapproval conducted.

Narrative

Mr Winston is very knowledgeable and consistently applies MSHA handbook requirements, policies and procedures each and every day. During the appraisal period he greatly exceeded the required number of mine visits. Feedback received from a high ranking NIOSH official during the past year indicated that the District 4/12 roof control department was likely the very best in MSHA. This compliment is a direct result of the activities, leadership, and guidance of the supervisor. All field activity reviews and accompanied activities were accurately completed and all deficiencies were addressed. Rather than do a redundant review, the supervisor looked for actual weaknesses and provided guidance for subordinates to help instill a culture of continuous improvement. Citations and orders issued and his involvement in accident investigations were consistent with the highest level of professionalism. Mine plan approvals were properly evaluated and recommendations for approval or denial appeared correct consistently throughout the appraisal period.

Result #5

☐ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

Performance Standard

Narrative

Donald Winston has met 2 elements and exceeded 7 elements, which supports an overall rating of record of Highly Effective.

TAB 6

Don E. Windsor

ATTACHMENT 1: WORKSHEET

General Schedule Evaluation Guidance for Managerial Competency Elements (Matrix)

Managerial Competency Element: Leadership

Exceeds

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	Result 1: Develops and maintains long and short-term strategic planning to facilitate the achievement of the Agency's mission and to improve performance consistent with key organizational policies and priorities and economic, political, and social trends affecting the organization.	Strategic Planning Support for Leadership Organizational Performance	<ul style="list-style-type: none"> Demonstrates extensive awareness and understanding of the Department's mission and strategic vision. Actively works to develop and/or implement forward-looking strategic plans that maximize the Agency's ability to achieve its objectives. Employs innovative uses of Agency resources and technologies to meet performance indicators under its strategic plan. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Can effectively communicate and manage the implementation of results-oriented strategic plans to achieve the Agency's goals. Demonstrates an understanding of the Agency's performance indicators. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Result 2: Anticipates and meets the needs of clients/customers to provide better service. <ul style="list-style-type: none"> Sets standards for customer needs and satisfaction, and meets them. Uses effective business practices including balanced measures to consider customer, stakeholder, and employee perspectives. 	Customer Service	<ul style="list-style-type: none"> Provides the highest quality service to Agency customers, stakeholders, and employees by anticipating, addressing, and proactively managing current and future needs. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Consistently anticipates and meets customers' needs and satisfies standards for effective customer service. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Result 3: Displays an attitude that accepts mistakes as part of the developmental process, as the organization works to achieve results that promote innovation, efficiency, and greater effectiveness.	Innovation & Risk	<ul style="list-style-type: none"> Engenders a culture that encourages employees to take calculated risks to improve performance. <input type="checkbox"/>	<ul style="list-style-type: none"> Accepts employees' reasonable mistakes as part of the development process. <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

N/R = Not Rated

TAB 6
ATTACHMENT 1: WORKSHEET

General Schedule Evaluation Guidance for Managerial Competency Elements (Matrix)

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	<p>Result 4: Links individual performance requirements to key organizational goals.</p> <ul style="list-style-type: none"> Incorporates organizational performance results into decisions about individual performance ratings and recognition. Makes meaningful distinctions between levels of performance in ratings. Recognizes subordinate performance and teamwork. 	<p>Leadership Support Reward & Recognition Teamwork Individual Performance</p>	<ul style="list-style-type: none"> Shares recognition and routinely rewards colleagues' accomplishments. Repeatedly demonstrates an ability to link individual with Departmental and agency performance requirements. Effectively uses agency and interagency teams to achieve agency outcomes. <input type="checkbox"/>	<ul style="list-style-type: none"> Provides opportunities for individual and team development. Appropriately uses available performance, reward and recognition systems. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<p>Result 5: Promotes and adheres to the highest ethical standards of public service.</p>	Ethics	<ul style="list-style-type: none"> Acts as a model of integrity personally and establishes an organizational culture that sets expectations of the highest ethical standards of public service among subordinate staff. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Adheres personally to the highest ethical standards of public service and encourages ethical behavior among subordinate staff. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

N/R = Not Rated

TAB 6
ATTACHMENT 1: WORKSHEET
General Schedule Evaluation Guidance for Managerial Competency Elements (Matrix)

Managerial Competency Element: Resource Management

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	<p>Result 1: Understands the organization's financial processes.</p> <ul style="list-style-type: none"> Prepares, justifies, and administers the program budget. Oversees procurement and contracting to achieve desired results. Monitors expenditures and uses cost benefit thinking to set priorities. Develops and implements strategies to reduce erroneous and late payments, prevent Anti-deficiency Act violations, and ensure adequate management controls. 	Financial Management	<ul style="list-style-type: none"> Displays an exceptional level of awareness and concern for agency expenditures and financial priorities. Through teamwork and institutional knowledge, leverages agency resources to achieve maximum results. Engages in the identification of cost saving strategies and efficiencies. 	<ul style="list-style-type: none"> Manages agency resources through the utilization and administration of appropriate budget processes and requirements. Makes decisions based on the agency's financial priorities and expenditures. 	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<p>Result 2: Actively recruits to attract and select qualified applicants with the competencies needed by embracing the use of available hiring flexibilities, developing robust recruitment strategies, and maximizing the use of technology. Applies merit principles to develop, select, and manage a diverse workforce.</p>	Hiring/Diversity	<ul style="list-style-type: none"> Manages this with an acute understanding of available hiring flexibilities and utilizes them in order to attract and select qualified applicants. Sets and meets hiring goals to maintain strength and reduce lapsed FTE. 	<ul style="list-style-type: none"> Applies merit principles to develop, select, and manage a diverse workforce. 	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<p>Result 3: Understands the impact of technological developments on the organization.</p> <ul style="list-style-type: none"> Makes effective use of technology to achieve results. Ensures access to and security of technology systems. 	Technology & Modernization	<ul style="list-style-type: none"> Identifies and creatively utilizes current and new technologies to maximize the agency's ability to achieve its priorities. Encourages the use of technology to share information and engage stakeholders. 	<ul style="list-style-type: none"> Appropriately utilizes and upgrades technologies to meet agency goals. 	<input type="checkbox"/>	<input type="checkbox"/>

N/R = Not Rated

TAB 6
ATTACHMENT 1: WORKSHEET

General Schedule Evaluation Guidance for Managerial Competency Elements (Matrix)

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	Result 4: Prevents staff from working unauthorized overtime hours by consistently applying Fair Labor Standards Act (FLSA) and DOL policy regarding overtime, maintaining an awareness of staff hours worked and organizational goals accomplished, and ensuring staff are knowledgeable of how FLSA designation impacts overtime eligibility and authorization.	Fair Labor Standards Act	<ul style="list-style-type: none"> In addition, develops and implements strategies that reliably document compliance with FLSA, supplemented by an awareness of staff hours worked to corroborate the effectiveness of these controls. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Makes the Fair Labor Standards Act (FLSA) and DOL policy available to employees and management and conveys expectations for compliance. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Managerial Competency Element: Coalition Building and Communication

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	Result 1: Promotes an open, communicative environment that inspires and encourages service motivation, spirit, pride, and trust. <ul style="list-style-type: none"> Facilitates cooperation and motivates individual staff members/teams to accomplish organizational goals. Manages and resolves conflicts in a positive and constructive manner. 	Communication & Morale	<ul style="list-style-type: none"> Sets an example of accessibility and transparency. Fosters and reinforces a collaborative and engaged environment that inspires and encourages service, motivation, spirit, pride and trust. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Manages an open, communicative environment that serves the agency's mission. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Result 2: Effectively represents the Department and the organization internally and/or externally. <ul style="list-style-type: none"> Actively engages the cooperation of internal and external stakeholders in working on common tasks or group projects; shares work and decision-making with others. 	Internal & External Relations	<ul style="list-style-type: none"> Serves as an effective, reliable, and persuasive representative of the agency and Department of Labor on virtually all matters internal and external to the agency. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Serves as an effective representative of his/her immediate agency/office. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

N/R = Not Rated

TAB 6
ATTACHMENT 1: WORKSHEET
General Schedule Evaluation Guidance for Managerial Competency Elements (Matrix)

Managerial Competency Element: Problem Solving and Initiative

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	Result 1: Stresses innovation, creativity, and risk-taking. <ul style="list-style-type: none"> Analyzes problems and develops alternative solutions, emphasizing new approaches. Takes calculated risks to move programs forward. 	Innovation & Risk	<ul style="list-style-type: none"> Clearly demonstrates initiative and ability to explore and create alternative solutions to problems. Encourages, promotes, and supports innovative strategies among subordinates. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> An effective problem solver. Recognizes innovation. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Managerial Competency Element: Equal Employment Opportunity and Diversity

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	Result 1: Promotes and maintains a diverse and inclusive workforce. <ul style="list-style-type: none"> Actively recruits and hires from diverse applicant pools. Fosters collaboration with individuals from diverse backgrounds, perspectives, and experience. Ensures that opportunities for growth exist equitably for all employees. Provides fair and equitable recognition of accomplishments for all employees. 	Diversity	<ul style="list-style-type: none"> Promotes and manages an inclusive workforce by championing diversity as a value in all aspects of the agency. Practices effective recruitment efforts to increase the pool of quality candidates from underrepresented groups. Promotes diversity at all grade levels. <input type="checkbox"/>	<ul style="list-style-type: none"> Takes diversity into account while ensuring fair and nondiscriminatory recruitment, hiring, promotion and recognition. <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

N/R = Not Rated

TAB 6
ATTACHMENT 1: WORKSHEET
General Schedule Evaluation Guidance for Managerial Competency Elements (Matrix)

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	P
<input type="checkbox"/>	<p>Result 2: Builds, trains, and manages workforce based on organizational goals, budget considerations, and staffing needs.</p> <ul style="list-style-type: none"> Ensures continuing application of, and compliance with, applicable Equal Employment Opportunity (EEO) laws, regulations, and policies. Promptly addresses allegations of prohibited discrimination, harassment, and retaliation. Ensures that EEO principles are adhered to throughout the organization. 	Talent Management Diversity	<ul style="list-style-type: none"> Displays the highest commitment to the identification and/or recruitment, development, promotion and retention of diverse and talented individuals to build leadership capacity throughout the agency. Is an active mentor and gives clear and actionable feedback to subordinates. Upholds EEO principles. Actively encourages and participates in succession planning. <input type="checkbox"/>	<ul style="list-style-type: none"> Manages the workforce to meet the needs of the agency by taking into account EEO principles, succession planning, diversity, recruitment, and training. <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

N/R = Not Rated

Performance Management Plan for Managers and Supervisors



A. General Information

1. Employee Name (last, first, middle)
Winston, Donald E.

2. Organization
Labor, MSHA, District 4

3. Title, Series, Grade
TECH SUPERVISOR (ROOF)

4. Appraisal Period (mm/dd/yyyy)
11/29/2010 to 10/19/2011

5. Supervisory Status ☒ Code 2 - Supervisor or Manager

B. Performance Elements and Standards Certification

1. I certify that this performance plan contains accurate performance elements and standards that:

- ☒ All critical results elements link to the Agency's operating plan.
- ☒ Hold the employee accountable for measurable and/or observable results.
- ☒ Link to the employee's position description and reflect the duties and responsibilities assigned to the employee.

2. Rating Official Signature *Richard J. Kline* Date (mm/dd/yyyy) 11/04/2010

3. Rating Official Name (last, first, middle)
Kline, Richard J.

4. Rating Official Title
ADM - TP

5. Prototype elements and/or standards ☒ Yes ☐ No

C. Position Description Certification

1. Position description is correct? ☒ Yes ☐ No (If No, explain below.)

2. Rating Official Signature *Richard J. Kline* Date (mm/dd/yyyy) 11/04/2010

3. Rating Official Name (last, first, middle)
Kline, Richard J.

4. Rating Official Title
ADM - TP

D. Establishment of the Performance Management Plan

1a. I discussed the plan with employee. ☒ Yes ☐ No

1b. Employee written comments are attached. ☐ Yes ☒ No

2. Employee Signature *Donald E. Winston* Date (mm/dd/yyyy) 11/04/2010

3. Rating Official Signature *Richard J. Kline* Date (mm/dd/yyyy) 11/04/2010

4. Rating Official Name (last, first, middle)
Kline, Richard J.

5. Rating Official Title
ADM - TP

6. Reviewing Official Signature *Robert G. Hardman* Date (mm/dd/yyyy) 11/29/2010

7. Reviewing Official Name (last, first, middle)
Hardman, Robert G.

8. Reviewing Official Title
DM

E. Mid-Term Progress Review Certification

1. The mid-term progress review has been conducted. ☒ Yes ☐ No (If No, explain below.)

2. Employee Signature *Donald E. Winston* Date (mm/dd/yyyy) 4/21/11

3. Rating Official Signature *David S. Mandeville* Date (mm/dd/yyyy) 4/21/11

4. Rating Official Name (last, first, middle)
Mandeville, David Scott

5. Rating Official Title
ADM Tech

F. Performance Appraisal and Rating

1. Indicate performance appraisal and rating below.

<input checked="" type="checkbox"/> Exemplary	Exceed standards for all elements
<input type="checkbox"/> Highly Effective	Exceed standards for 50% or more elements but not all; meet standards for all other elements
<input type="checkbox"/> Effective	Meet standards for all elements and may exceed standards for less than 50% of elements
<input type="checkbox"/> Minimally Satisfactory	Need to improve performance for one or more elements
<input type="checkbox"/> Unsatisfactory	Fail to meet standards on one or more elements

2a. I discussed this appraisal with employee. ☒ Yes ☐ No

2b. Employee written comments are attached. ☐ Yes ☒ No

3. Purpose of Appraisal ☐ Interim Rating ☒ Rating of Record

4. Rating Official Signature *Joseph C. Mackowiak* Date (mm/dd/yyyy) 10/17/2011

5. Rating Official Name (last, first, middle)
Mackowiak, Joseph C.

6. Rating Official Title
Assistant District Manager - TP

7. Employee Signature *Donald E. Winston* Date (mm/dd/yyyy) 10/17/2011

8. Reviewing Official Signature *Charles E. Carpenter* Date (mm/dd/yyyy) 10-19-11

9. Reviewing Official Name (last, first, middle)
Carpenter, Charles E.

10. Reviewing Official Title
District Manager

G. Performance Summary

1. For each element, select the appropriate rating. Element ratings: E = Exceed; M = Meet; NI = Need to Improve; F = Fail

Managerial Competency Elements	Element Rating			
	E	M	NI	F
Leadership	<input checked="" type="checkbox"/>			
Resource Management		<input checked="" type="checkbox"/>		
Coalition Building and Communication	<input checked="" type="checkbox"/>			
Problem Solving and Initiative	<input checked="" type="checkbox"/>			
Equal Employment Opportunity and Diversity		<input checked="" type="checkbox"/>		

Results Elements	Element Rating			
	E	M	NI	F
Result 1	<input checked="" type="checkbox"/>			
Result 2	<input checked="" type="checkbox"/>			
Result 3	<input checked="" type="checkbox"/>			
Result 4	<input checked="" type="checkbox"/>			
Result 5				
Result 6				
Result 7				
Result 8				

H. Other Significant Accomplishments

1. Please describe other significant accomplishments in the space below.

I. Managerial Competency Elements

1. Leadership

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

Performance Standard

- Develops and maintains long and short-term strategic planning to facilitate the achievement of the Agency's mission and to improve performance consistent with key organizational policies and priorities and economic, political, and social trends affecting the organization.
- Anticipates and meets the needs of clients/customers to provide better service. Sets standards for customer needs and satisfaction, and meets them. Uses effective business practices including balanced measures to consider customer, stakeholder, and employee perspectives.
- Displays an attitude that accepts mistakes as part of the developmental process, as the organization works to achieve results that promote innovation, efficiency, and greater effectiveness.
- Links individual performance requirements to key organizational goals. Incorporates organizational performance results into decisions about individual performance ratings and recognition. Makes meaningful distinctions between levels of performance in ratings. Recognizes subordinate performance and teamwork.
- Promotes and adheres to the highest ethical standards of public service.

Narrative

During the appraisal period, Mr. Winston supervised the review of nearly 400 roof control and other plans. He recommended approval or denial of these plans by providing expert guidance to roof control specialists. When dealing with mine operators and their submittals, he explains what is expected relative to safety precautions and ensures that plans are tailored to the individual needs of the mine. This approach increases the effectiveness of the plans and helps ensure safety for mining personnel. He consistently displays a positive, hard working attitude which increases the overall effectiveness of the work group. He plans ahead to prevent mining hazards and to ensure that work is accomplished in a timely manner. When a mistake in work is realized, he immediately employs a positive response and improves the situation immediately. He is very detail oriented and supervisory reviews of his work products indicate a very high level of proficiency.

2. Resource Management

☐ Exceed ☒ Meet ☐ Need to Improve ☐ Fail

Performance Standard

- Understands the organization's financial processes. Prepares, justifies, and administers the program budget. Oversees procurement and contracting to achieve desired results. Monitors expenditures and uses cost-benefit thinking to set priorities. Develops and implements strategies to reduce erroneous and late payments, prevent Anti-deficiency Act violations, and ensure adequate management controls.
- Actively recruits to attract and select qualified applicants with the competencies needed by embracing the use of available hiring flexibilities, developing robust recruitment strategies, and maximizing the use of technology. Applies merit principles to develop, select, and manage a diverse workforce.
- Understands the impact of technological developments on the organization. Makes effective use of technology to achieve results. Ensures access to and security of technology systems.
- Prevents staff from working unauthorized overtime hours by consistently applying Fair Labor Standards Act (FLSA) and DOL policy regarding overtime, maintaining an awareness of staff hours worked and organizational goals accomplished, and ensuring staff are knowledgeable of how FLSA designation impacts overtime eligibility and authorization.

Narrative

3. Coalition Building and Communication

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

Performance Standard

- Promotes an open, communicative environment that inspires and encourages service motivation, spirit, pride, and trust. Facilitates cooperation and motivates individual staff members/teams to accomplish organizational goals. Manages and resolves conflicts in a positive and constructive manner.
- Stresses innovation, creativity, and risk-taking. Analyzes problems and develops alternative solutions, emphasizing new approaches. Takes calculated risks to move programs forward.

Narrative

During the past year, Mr. Winston has displayed an exceptional level of concern for the use of his time to help regular inspectors. He utilizes his expert mining and roof control/ground control knowledge to identify issues, locate problems and develop acceptable and proper remedial actions. Other departments routinely seek his expert advice and he is highly regarded in his field. He challenges mine operators with alternative solutions to mine stability problems in order to achieve successful outcomes to issues they are facing. He is very persuasive and represents MSHA in a very effective and professional manner. The Office of the Solicitor General has utilized his expertise on several legal cases which were all settled in a positive manner in MSHA's favor. Feedback from governmental attorneys has been exceptionally generous in favor of Mr. Winston. He has worked very hard this past year and he deserves to exceed this standard.

4. Problem Solving and Initiative

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

Performance Standard

- Effectively represents the Department and the organization internally and/or externally. Actively engages the cooperation of internal and external stakeholders in working on common tasks or group projects; shares work and decision-making with others.

Narrative

Mr. Winston is an effective engineer with exceptional problem solving skills. He is an excellent communicator and utilizes his data gathering skills to fully understand situations before developing well thought out and calculated solutions. His extensive experience and knowledge is utilized daily to solve problems and develop innovative solutions. During the appraisal period, he worked extensively with one of the largest underground longwall mines in the district, Mingo Logan Coal Company's Mountaineer II Mine, and helped them improve their roof control plan to ensure that tailgate support was adequate. When a failure occurred at the mine, he effectively utilized additional technical specialists from outside the district in order to achieve a higher level of safety for the miners.

A roof fall clean-up plan was developed by the Mountaineer II mine and submitted to MSHA for review. Mr. Winston identified several deficiencies and convinced the operator to improve the plan without hesitation. He is an effective negotiator and solves problems in a proactive manner in order to achieve positive results.

5. Equal Employment Opportunity and Diversity

☐ Exceed ☒ Meet ☐ Need to Improve ☐ Fail

Performance Standard

- Promotes and maintains a diverse and inclusive workforce. Actively recruits and hires from diverse applicant pools. Foster collaboration with individuals from diverse backgrounds, perspectives, and experience. Ensures that opportunities for growth exist equitably for all employees. Provides fair and equitable recognition of accomplishments for all employees.
- Builds, trains, and manages workforce based on organizational goals, budget considerations, and staffing needs. Ensures continuing application of, and compliance with, applicable Equal Employment Opportunity (EEO) laws, regulations, and policies. Promptly addresses allegations of prohibited discrimination, harassment, and retaliation. Ensures that EEO principles are adhered to throughout the organization.

Narrative

J. Results Elements

Provides as many critical results-specific elements as are necessary to reflect the manager/supervisor's specific responsibilities in the implementation of their agency's operating plan. All elements and standards must be linked to the operating plan and should describe the specific major results to be achieved during the period of performance covered by the performance plan. Each performance standard must be written at the Meet level and include measures of performance such as quality, quantity, timeliness, and cost effectiveness. Standards should be clear and not include detailed milestones for descriptions of the process and methods used to achieve the results.

The rating official must appraise the manager/supervisor's performance relative to the critical results-elements performed. In assigning a rating to each critical results element, please rate the manager/supervisor at one of the following four levels and include a written narrative as appropriate.

- Exceeds described level of performance (narrative required)
- Meets described level of performance (narrative not required)
- Needs to improve in order to meet the level of performance (narrative required)
- Fails to meet described level of performance (narrative required)

Fifty percent (50%) of the summary rating indicated in Section F1 is based on the manager/supervisor's performance relative to the critical results elements identified in this section. The remaining 50% is attributed to the manager/supervisor's demonstrated performance of the managerial competencies identified in Section I.

Result #1

☒ Exceed ☐ Meet ☐ Needs to improve ☐ Fail

In support of the Secretary's Vision of Good Jobs for Everyone through Outcome Goal 2 – Securing safe and healthy workplaces, wages and overtime, particularly in high-risk industries and Outcome Goal 10 – Voice in the Workplace:

Demonstrates efforts toward the reduction of the mining fatality Injury Incidence Rate in the District's Coal mines in accordance with the performance goals and indicators.

Demonstrates efforts toward the reduction of the ALL Injury Incidence Rate in the District's Coal mines in accordance with the performance goals and indicators.

Monitor mine safety and health program area to ensure that citations/orders are timely terminated, Hazard Condition Complaints are timely processed, and mine plan approvals are evaluated in a timely manner.

Performance Standard

Performance is satisfactory when:

A 5% reduction in FY10 from the average number of fatalities for FY2005 – FY2009.

Performance will be measured by the degree to which within their respective District, mine plan approvals are evaluated in a timely manner, the status of citations issued is monitored for timeliness of abatement, the District is able to terminate citations within the period established by policy for abatement, and Hazard Condition Complaints are timely processed. Progress will be measured by using a variety of reports.

Narrative

District 4 and 12's mine plans are approved in a timely manner despite the high number of accident investigations conducted by the department. The roof control department lead the specialists groups with the highest amount of on-site time out of all the technical groups. Additionally, through the involvement of the supervisor, Mr. Winston has reduced the number of overdue citations. Key indicator reports indicate that the department is effectively operated. During accompanied activities Mr. Winston's attention to detail and willingness to issue violations outside of his roof control duties has helped District 4 achieve a reduction in the fatal injury incident rate.

Approximately 400 mine plans were reviewed this past year, and employees of the roof control department worked on nearly 150 different inspection events. This is an exceptional achievement for a moderately sized group of individuals.

Result #2

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

In support of the Secretary's Vision of Good Jobs for Everyone through Outcome Goal 2 – Securing safe and healthy workplaces, wages and overtime, particularly in high-risk industries and goal 10 – Voice in the Workplace:

Demonstrates efforts toward the reduction of the fatalities and injuries in the District's Coal mines by using the MSHA Key Indicators and other reports to direct resources to monitor and improve enforcement performance and quality. Monitors MSHA Coal Key Indicator and other reports for performance results outside the acceptable norms and averages for the Coal Districts' unique and distinct performance levels. Incumbent understands the effects of the District's geography and work load when determining acceptable average performance baselines.

Performance Standard

Performance is satisfactory when:

The incumbent demonstrates the use of the MSHA Key Indicators and other reports in the daily managerial decision-making process, demonstrates an understanding of the root causes for variances in monthly reporting, assigns responsibility for the variances, accounts for their occurrence and remedy where applicable and shares best practices with relevant MSHA employees. Within their respective District, the incumbent must ensure that the completion rate of all EDI inspections is 100%. Exception to this only may be granted if the incumbent can demonstrate supporting aberrations beyond the control of the incumbent's management ability that prevented 100% completion. The completion rate of all EDI inspections at 100% will be for all coal mines district-wide.

Narrative

MSHA key indicator reports are routinely reviewed and Mr. Winston effectively communicates MSHA's goals and his expectations to his technical group.

He rotates mine plan assignments, accident investigations, and routine inspection work amongst his specialists to ensure a fair and equitable workplace.

His involvement on a day-to-day basis and his dedication has improved MSHA's overall performance and assisted with the attainment of the 100% mine inspection completion rate. He provides expert guidance to his staff and always appears to follow-up on his guidance to assure proper actions have been taken.

His work and dedication has assisted MSHA in the 100% completion of all required inspections during the appraisal period. He urges all specialist work on regular inspections as much as feasible and substantiates his wishes with supervisory reviews which further support this requirement.

Result #3

☒ Exceed ☐ Meet ☐ Need to improve ☐ Fail

In support of the Secretary's Vision of Good Jobs for Everyone through Outcome Goal 2 – Securing safe and healthy workplaces, wages and overtime, particularly in high-risk industries and goal 10 – Voice in the Workplace:

Take appropriate action to ensure the District achieves a 2% reduction from the previous year for dust and noise sample results exceeding the allowable limits.

Take appropriate actions to ensure that roof control plans/programs are in compliance with regulations and agency policy.

Take progressive and proactive actions to ensure that roof control plans/programs adequately address mining conditions on a mine specific basis.

Performance Standard

Performance is satisfactory when:

Mine plan addendums are acted upon in a timely manner in accordance with the District's SOPs. Incumbent supports the District's efforts in reducing dust and noise exposures, reviews the quality of roof control plans during 6 month reviews with additional attention to target the most egregious and persistent violators of roof control standards, and ensures that the roof bolting process is not contributing to an increase in respirable dust or excessive noise.

Narrative

Mine plan addendums were acted upon in a timely manner in accordance with the District's SOPs, and with established MSHA policies and procedures. Mr. Winston traveled to numerous mines throughout the district and properly supports the District's efforts in reducing dust and noise exposures. He is known for citing any violation, rather than just working within his realm of expertise.

During the appraisal period, he prompted major upgrades to numerous plans including roof control plans at the Pinnacle Mine, Rock Creek Development, and the Rockhouse No. 8 mines. He also aided other departments on numerous plan reviews including shaft and slope sinking plans, bleeder stability for mine ventilation plans, and mining under bodies of water plans.

Result #4

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

In support of the Secretary's vision of Good Jobs for Everyone through Outcome Goal 2 -- Securing safe and healthy workplaces, wages and overtime, particularly in high-risk industries and Goal 10 -- Voice in the Workplace:

Use all available tools in an effort to reduce and/or eliminate the inconsistent enforcement of MSHA regulations, the Mine Act and the MINER Act.

Use all available tools in an effort to reduce and/or eliminate the deficiencies identified in Accountability, District and Peer reviews. Incumbent will review findings noted in such reviews and timely implement corrective actions.

Performance Standard

Performance is met when:

- (1) MSHA handbook, policy and procedures have been followed;
- (2) Required Mine visits are completed;
- (3) Demonstrated efforts have been made to reduce or eliminate repeat audit findings and personnel are trained as necessary;
- (4) Field Activity and Second Level reviews are accurately completed and all deficiencies are addressed;
- (5) There are clear demonstrated efforts made to help assure consistency in citations/orders issued;
- (6) Hazard Condition Complaints are timely processed; and
- (7) Mine plan approvals have been adequately evaluated and appropriate approval/disapproval conducted.

Narrative

Mr Winston is very knowledgeable and consistently applies MSHA handbook requirements, policies and procedures each and every day. During the appraisal period he greatly exceeded the required number of mine visits. Feedback received from a high ranking NIOSH official during the past year indicated that the District 4/12 roof control department was likely the very best in MSHA. This compliment is a direct result of the activities, leadership, and guidance of the supervisor. All field activity reviews and accompanied activities were accurately completed and all deficiencies were addressed. Rather than do a redundant review, the supervisor looked for actual weaknesses and provided guidance for subordinates to help instill a culture of continuous improvement. Citations and orders issued and his involvement in accident investigations were consistent with the highest level of professionalism. Mine plan approvals were properly evaluated and recommendations for approval or denial appeared correct consistently throughout the appraisal period.

Result #5

☐ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

Performance Standard

Narrative

Donald Winston has met 2 elements and exceeded 7 elements, which supports an overall rating of record of Highly Effective.

TAB 6

Don E. Winston

ATTACHMENT 1: WORKSHEET

General Schedule Evaluation Guidance for Managerial Competency Elements (Matrix)

Managerial Competency Element: Leadership

Exceeds

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	Result 1: Develops and maintains long and short-term strategic planning to facilitate the achievement of the Agency's mission and to improve performance consistent with key organizational policies and priorities and economic, political, and social trends affecting the organization.	Strategic Planning Support for Leadership Organizational Performance	<ul style="list-style-type: none"> Demonstrates extensive awareness and understanding of the Department's mission and strategic vision. Actively works to develop and/or implement forward-looking strategic plans that maximize the Agency's ability to achieve its objectives. Employs innovative uses of Agency resources and technologies to meet performance indicators under its strategic plan. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Can effectively communicate and manage the implementation of results-oriented strategic plans to achieve the Agency's goals. Demonstrates an understanding of the Agency's performance indicators. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Result 2: Anticipates and meets the needs of clients/customers to provide better service. <ul style="list-style-type: none"> Sets standards for customer needs and satisfaction, and meets them. Uses effective business practices including balanced measures to consider customer, stakeholder, and employee perspectives. 	Customer Service	<ul style="list-style-type: none"> Provides the highest quality service to Agency customers, stakeholders, and employees by anticipating, addressing, and proactively managing current and future needs. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Consistently anticipates and meets customers' needs and satisfies standards for effective customer service. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Result 3: Displays an attitude that accepts mistakes as part of the developmental process, as the organization works to achieve results that promote innovation, efficiency, and greater effectiveness.	Innovation & Risk	<ul style="list-style-type: none"> Engenders a culture that encourages employees to take calculated risks to improve performance. <input type="checkbox"/>	<ul style="list-style-type: none"> Accepts employees' reasonable mistakes as part of the development process. <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

N/R = Not Rated

TAB 6
ATTACHMENT 1: WORKSHEET
General Schedule Evaluation Guidance for Managerial Competency Elements (Matrix)

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	<p>Result 4: Links individual performance requirements to key organizational goals.</p> <ul style="list-style-type: none"> Incorporates organizational performance results into decisions about individual performance ratings and recognition. Makes meaningful distinctions between levels of performance in ratings. Recognizes subordinate performance and teamwork. 	<p>Leadership Support Reward & Recognition Teamwork Individual Performance</p>	<ul style="list-style-type: none"> Shares recognition and routinely rewards colleagues' accomplishments. Repeatedly demonstrates an ability to link individual with Departmental and agency performance requirements. Effectively uses agency and interagency teams to achieve agency outcomes. <input type="checkbox"/>	<ul style="list-style-type: none"> Provides opportunities for individual and team development. Appropriately uses available performance, reward and recognition systems. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<p>Result 5: Promotes and adheres to the highest ethical standards of public service.</p>	Ethics	<ul style="list-style-type: none"> Acts as a model of integrity personally and establishes an organizational culture that sets expectations of the highest ethical standards of public service among subordinate staff. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Adheres personally to the highest ethical standards of public service and encourages ethical behavior among subordinate staff. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

N/R = Not Rated

TAB 6
ATTACHMENT 1: WORKSHEET
General Schedule Evaluation Guidance for Managerial Competency Elements (Matrix)

Managerial Competency Element: Resource Management

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	<p>Result 1: Understands the organization's financial processes.</p> <ul style="list-style-type: none"> Prepares, justifies, and administers the program budget. Oversees procurement and contracting to achieve desired results. Monitors expenditures and uses cost-benefit thinking to set priorities. Develops and implements strategies to reduce erroneous and late payments, prevent Anti-deficiency Act violations, and ensure adequate management controls. 	Financial Management	<ul style="list-style-type: none"> Displays an exceptional level of awareness and concern for agency expenditures and financial priorities. Through teamwork and institutional knowledge, leverages agency resources to achieve maximum results. Engages in the identification of cost saving strategies and efficiencies. <input type="checkbox"/>	<ul style="list-style-type: none"> Manages agency resources through the utilization and administration of appropriate budget processes and requirements. Makes decisions based on the agency's financial priorities and expenditures. <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<p>Result 2: Actively recruits to attract and select qualified applicants with the competencies needed by embracing the use of available hiring flexibilities, developing robust recruitment strategies, and maximizing the use of technology. Applies merit principles to develop, select, and manage a diverse workforce.</p>	Hiring/Diversity	<ul style="list-style-type: none"> Manages this with an acute understanding of available hiring flexibilities and utilizes them in order to attract and select qualified applicants. Sets and meets hiring goals to maintain strength and reduce lapsed FTE. <input type="checkbox"/>	<ul style="list-style-type: none"> Applies merit principles to develop, select, and manage a diverse workforce. <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<p>Result 3: Understands the impact of technological developments on the organization.</p> <ul style="list-style-type: none"> Makes effective use of technology to achieve results. Ensures access to and security of technology systems. 	Technology & Modernization	<ul style="list-style-type: none"> Identifies and creatively utilizes current and new technologies to maximize the agency's ability to achieve its priorities. Encourages the use of technology to share information and engage stakeholders. <input type="checkbox"/>	<ul style="list-style-type: none"> Appropriately utilizes and upgrades technologies to meet agency goals. <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

N/R = Not Rated

TAB 6
ATTACHMENT 1: WORKSHEET

General Schedule Evaluation Guidance for Managerial Competency Elements (Matrix)

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	Result 4: Prevents staff from working unauthorized overtime hours by consistently applying Fair Labor Standards Act (FLSA) and DOL policy regarding overtime, maintaining an awareness of staff hours worked and organizational goals accomplished, and ensuring staff are knowledgeable of how FLSA designation impacts overtime eligibility and authorization.	Fair Labor Standards Act	<ul style="list-style-type: none"> In addition, develops and implements strategies that reliably document compliance with FLSA, supplemented by an awareness of staff hours worked to corroborate the effectiveness of these controls. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Makes the Fair Labor Standards Act (FLSA) and DOL policy available to employees and management and conveys expectations for compliance. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Managerial Competency Element: Coalition Building and Communication

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	Result 1: Promotes an open, communicative environment that inspires and encourages service motivation, spirit, pride, and trust. <ul style="list-style-type: none"> Facilitates cooperation and motivates individual staff members/teams to accomplish organizational goals. Manages and resolves conflicts in a positive and constructive manner. 	Communication & Morale	<i>Exceeds</i> <ul style="list-style-type: none"> Sets an example of accessibility and transparency. Fosters and reinforces a collaborative and engaged environment that inspires and encourages service, motivation, spirit, pride and trust. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Manages an open, communicative environment that serves the agency's mission. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Result 2: Effectively represents the Department and the organization internally and/or externally. <ul style="list-style-type: none"> Actively engages the cooperation of internal and external stakeholders in working on common tasks or group projects; shares work and decision-making with others. 	Internal & External Relations	<ul style="list-style-type: none"> Serves as an effective, reliable, and persuasive representative of the agency and Department of Labor on virtually all matters internal and external to the agency. <input checked="" type="checkbox"/> <i>Definitely!</i>	<ul style="list-style-type: none"> Serves as an effective representative of his/her immediate agency/office. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

N/R = Not Rated

TAB 6
ATTACHMENT 1: WORKSHEET
General Schedule Evaluation Guidance for Managerial Competency Elements (Matrix)

Managerial Competency Element: Problem Solving and Initiative

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	Result 1: Stresses innovation, creativity, and risk-taking. <ul style="list-style-type: none"> Analyzes problems and develops alternative solutions, emphasizing new approaches. Takes calculated risks to move programs forward. 	Innovation & Risk	<ul style="list-style-type: none"> Clearly demonstrates initiative and ability to explore and create alternative solutions to problems. Encourages, promotes, and supports innovative strategies among subordinates. 	<ul style="list-style-type: none"> An effective problem solver. Recognizes innovation. 	<input type="checkbox"/>	<input type="checkbox"/>

Managerial Competency Element: Equal Employment Opportunity and Diversity

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	Result 1: Promotes and maintains a diverse and inclusive workforce. <ul style="list-style-type: none"> Actively recruits and hires from diverse applicant pools. Fosters collaboration with individuals from diverse backgrounds, perspectives, and experience. Ensures that opportunities for growth exist equitably for all employees. Provides fair and equitable recognition of accomplishments for all employees. 	Diversity	<ul style="list-style-type: none"> Promotes and manages an inclusive workforce by championing diversity as a value in all aspects of the agency. Practices effective recruitment efforts to increase the pool of quality candidates from underrepresented groups. Promotes diversity at all grade levels. 	<ul style="list-style-type: none"> Takes diversity into account while ensuring fair and nondiscriminatory recruitment, hiring, promotion and recognition. 	<input type="checkbox"/>	<input type="checkbox"/>

N/R = Not Rated

NOTIFICATION OF PERSONNEL ACTION

1 Name (Last, First, Middle)		2 Social Security Number		3 Date of Birth		4 Effective Date					
Thomas Charles James		Redacted - Privacy		Redacted - Privacy		05-18-2003					
FIRST ACTION				SECOND ACTION							
5A Code		5B Nature of Action		6A Code		6B Nature of Action					
P702		Promotion		6C Code		6D Legal Authority					
5C Code		5D Legal Authority		6E Code		6F Legal Authority					
NGM		Reg 335 102 Career Prom									
5H Code		5P Legal Authority		6H Code		6P Legal Authority					
7 FROM Position Title and Number				15 TO Position Title and Number							
MINE SAFETY AND HEALTH SPECIALIST (ROOF CONTROL)				MINE SAFETY AND HEALTH SPECIALIST (ROOF CONTROL)							
Job Code (PD) L00348				Job Code (PD) L00349							
8 Pay Plan		9 Use Code		10 Grade or Lot		11 Step or Rate		12 Total Salary		13 Pay Band	
GS		1822		13		04		\$75,961.00		PA	
12A Basic Pay		12B Locality Adj		12C Adj. Basic Pay		12D Other Pay		16 Pay Plan		17 Use Code	
\$67,377.00		\$8,584.00		\$75,961.00		\$0		GS		1822	
								14 Grade or Lot		15 Step or Rate	
								14		01	
								\$81,602.00		PA	
14 Name and Location of Position's Organization				21 Name and Location of Position's Organization							
Mine Safety and Health Administration OFFICE OF THE ASSISTANT SECRETARY OFC OF THE ADMINISTRATOR FOR COAL COAL SAFETY DIVISION, ARLINGTON COAL SAFETY DIV, SAFETY SERVICE GRP				Mine Safety and Health Administration OFFICE OF THE ASSISTANT SECRETARY OFC OF THE ADMINISTRATOR FOR COAL COAL SAFETY DIVISION, ARLINGTON COAL SAFETY DIV, SAFETY SERVICE GRP							
EMPLOYER DATA											
22 Veterans Preference				24 Tenure				25 Agency Use			
2				1 0-4 Years 2 5-9 Years 3 10-14 Years 4 15-19 Years 5 20-24 Years 6 25-29 Years 7 30-34 Years 8 35-39 Years 9 40-44 Years 10 45-49 Years 11 50-54 Years 12 55-59 Years 13 60-64 Years 14 65-69 Years 15 70-74 Years 16 75-79 Years 17 80-84 Years 18 85-89 Years 19 90-94 Years 20 95-99 Years 21 100+ Years				20 Veterans Preference for RIF X YES NO			
23 FEGLI				26 Annual Salary				28 Pay Rate Determination			
Z1				9				0			
30 Accrual Plan				31 Service Comp. Date (Leave)				32 Work Schedule			
K				04-19-1989				F			
POSITION DATA											
34 Position Occupied				35 PLSA Category				36 Appropriation Code			
1				2				R103Q3AK00001101000			
38 Duty Station Code				39 Duty Station				37 Bargaining Unit Status			
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40 Agency Data				41				42			
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46 Agency Data				47				48			
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NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) THOMAS, CHARLES JAMES				2. Social Security Number Redacted - Privacy		3. Date of Birth Redacted - Privacy		4. Effective Date 09/26/10											
FIRST ACTION						SECOND ACTION													
5-A. Code 542		5-B. Nature of Action CONV TO SES CAREER APPT				6-A. Code		6-B. Nature of Action											
5-C. Code VIM		5-D. Legal Authority 5 USC 3393				6-C. Code		6-D. Legal Authority											
5-E. Code		5-F. Legal Authority				6-E. Code		6-F. Legal Authority											
7. FROM: Position Title and Number DIRECTOR, OFFICE OF ACCOUNTABILITY 00005616 L00499						8. TO: Position Title and Number DEP ADMIN FOR COAL MINE SAFETY AND HEA DL050504 ES0504													
9. Pay Plan GS		10. Grade/Level 0340		11. Step/Rate 15		12. Total Salary \$40,259.00		13. Pay Basis PA		14. Pay Plan ES		15. Grade/Level 1822		16. Step/Rate 00		17. Total Salary/Award \$48,674.54		18. Pay Basis PA	
19A. Basic Pay \$12,912.00		19B. Locality Adj. \$7,347.00		19C. AGL Basic Pay \$40,259.00		19D. Other Pay .00		20A. Basic Pay \$48,674.54		20B. Locality Adj. .00		20C. AGL Basic Pay \$48,674.54		20D. Other Pay .00					
14. Name and Location of Position's Organization MINE SAFETY AND HEALTH ADMINISTRATION OFFICE OF THE ASSISTANT SECRET OFFICE OF ACCOUNTABILITY						15. Name and Location of Position's Organization MINE SAFETY AND HEALTH ADMINISTRATION OFFICE OF THE ASSISTANT SECRET OFFICE OF THE ADMINISTRATOR FOR C DL MI0106000C00000000 PP 20 2010													
EMPLOYEE DATA						14. Tenure						25. Agency Use		26. Veterans Preference for RIF					
23. Veterans Preference 2 1 - None 2 - 5-Prior 3 - 10-Prior/Officiability 4 - 10-Prior/Compassionate 5 - 10-Prior/Other 6 - 10-Prior/Compassionate/50%						0 0 - None 1 - Permanent 2 - Probationary 3 - Leadable								X YES NO					
27. REG LI Z5 BASIC-STANDARD-SX ADDITIONAL-SX FAM						28. Assistant Indicator 9 NOT APPLICABLE								9. Pay Rate Determinant 0					
30. Retirement Plan K FERS AND FICA						31. Service Comp. Date (Leave) 04/19/89						32. Work Schedule F FULL TIME		33. Part-Time Hours Per Bimonthly Pay Period					
POSITION DATA						35. FLSA Category E E - Except R - Rescheduled						36. Appropriation Code		37. Bargaining Unit Status 8888					
34. Position Occupied 3 1 - Competitive Service 2 - SES General 3 - Excepted Service 4 - SES Career Reserved						39. Duty Station (City - County - State or Overseas Location) 51-0100-013 ARLINGTON ARLINGTON VA													
40. Agency Data 41. 42. 43. 44.																			
45. Remarks Veteran preference is not applicable to the Senior Executive Service. Subject to satisfactory completion of one year SES probationary period beginning 09/26/2010. Tenure as used for 5 U.S.C. 3502 is not applicable to the Senior Executive Service.																			
46. Employing Department or Agency DEPARTMENT OF LABOR						50. Signature/Authentication and Title of Approving Official BROOKE L. BREWER DIRECTOR, OFFICE OF EXEC RESOURC													
47. Agency Code DL MI		48. Personnel Office ID 4155		49. Approval Date 09/18/10															

NOTIFICATION OF PERSONNEL ACTION

1 Name (Last, First, Middle) Thomas, Charles James				2 Social Security Number Redacted - Privacy		3 Date of Birth Redacted - Privacy		4 Effective Date 08-07-2005	
FIRST ACTION					SECOND ACTION				
5-A Code 702		5-B Nature of Action Promotion			6-A Code		6-B Nature of Action		
7-A Code NSM		7-B Legal Authority Reg 335 102 Comp			8-A Code		8-B Legal Authority		
9-A Code		9-B Legal Authority			10-A Code		10-B Legal Authority		
7 FROM: Position Title and Number MINE SAFETY AND HEALTH SPECIALIST (ROOF CONTROL) Job Code (PD) L60349					13 TO: Position Title and Number SUPERVISORY MINE SAFETY AND HEALTH SPECIALIST Job Code (PD) L03299				
8 Pay Plan 9 Org Code		10 Grade or Lvl		11 Step or Rate		12 Total Salary		13 Pay Basis	
GS 1822		14		03		\$94,260 00		PA	
14A Basic Pay		14B Locality Adj		14C Avg Basic Pay		14D Other Pay		15 Pay Basis	
\$81,273 00		\$12,987 00		\$94,260 00		50		PA	
14 Name and Location of Person's Organization Mine Safety and Health Administration OFFICE OF THE ASSISTANT SECRETARY OFC OF THE ADMINISTRATOR FOR COAL COAL, HEALTH DIVISION, ARLINGTON					15 Name and Location of Person's Organization Mine Safety and Health Administration OFFICE OF THE ASSISTANT SECRETARY OFC OF THE ADMINISTRATOR FOR COAL COAL, HEALTH DIVISION, ARLINGTON				
EMPLOYEE DATA					EMPLOYEE DATA				
21 Veterans Preference		22 Term		23 Agency Use		24 Veterans Preference for RUP		25 Agency Use	
2		1 None 2-3 Permanent		1 0-Term 2 Permanent		3 Conditional 4 Indefinite		X YES NO	
27 FSOI		28 Awarded Incentive		29 Pay KSA Determination		30 Pay KSA Determination		31 Pay KSA Determination	
Z1		Basic + Option B (5x) + Option A + Option C (1x)		9 Not Applicable		0		0	
30 Retirement Plan		31 Service Comp. Unit (Leave)		32 Work Schedule		33 Part Time Hours Per Biweekly Pay Period		34 Part Time Hours Per Biweekly Pay Period	
K		FERS and FICA		04-19-1989		F		Full Time	
POSITION DATA					POSITION DATA				
34 Position Occupied		35 FLSA Category		36 Appropriation Code		37 Bargaining Unit Status		38 Bargaining Unit Status	
1		1-Competitive Service 2-Excepted Service		3-SES General 4-SES Career Reserved		B-Except N-Nonexcept		R182Q3AK000001101000	
34 Duty Station Code		35 Duty Station		36 Duty Station		37 Duty Station		38 Duty Station	
510100013		ARLINGTON Arlington VA USA		ARLINGTON Arlington VA USA		ARLINGTON Arlington VA USA		ARLINGTON Arlington VA USA	
40 Agency Code		41		42		43		44 PAR Number	
40		41		42		43		44	
45 Remarks - This position is outside the bargaining unit. - Selected from MSHA-05-079-MP dated 07-16-2005 - Position is at the full performance level									
46 Employing Department or Agency U.S. Department of Labor					47 Signature, Authentication and Title of Approving Official Joseph H. Stormer HUMAN RESOURCES OFFICER				
47 Agency Code		48 Personnel Office ID		49 Approval Date		49 Approval Date		49 Approval Date	
DLMS		4153		08-16 2005		08-16 2005		08-16 2005	

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Standard Form 50

Rev. 10/91

U.S. Office of Personnel Management
Guide to Processing Personnel Actions, Chapter 4

NOTIFICATION OF PERSONNEL ACTION

1 Name (Last, First Middle) Thurmond, Charles, James				2 Social Security Number Redacted - Privacy		3 Date of birth Redacted - Privacy		4 Effective Date 07-12-2000	
FIRST ACTION					SECOND ACTION				
5-A Code 911		5-B Nature of Action Extension of Detail NTE 09-04-2000			6-A Code		6-B Nature of Action		
5-C Code VSM		5-D Legal Authority 5 U.S.C. 3341 Unclass			6-C Code		6-D Legal Authority		
5-E Code		5-F Legal Authority			6-E Code		6-F Legal Authority		
7 FROM: Position Title and Number DIRECTOR, OFFICE OF ACCOUNTABILITY Job Code (PD): L00499					7 TO: Position Title and Number ACTING DEP ADMINISTRATOR FOR COAL MINE SAFETY & HEALTH Job Code (PD): L00480				
8 Pay Plan GS		9 Det. Code 0340		10 Grade or LT 15		11 Step or Rate 04		12 Total Salary \$132,914.00	
13 Pay Basis PA		14 Pay Rate \$107,972.00		15 Locality Adj. \$24,942.00		16 Adj. Basic Pay \$132,914.00		17 Other Pay \$0	
18 Name and Location of Present Organization Mine Safety and Health Administration OFFICE OF THE ASSISTANT SECRETARY OFFICE OF ACCOUNTABILITY					19 Name and Location of Previous Organization Mine Safety and Health Administration OFFICE OF THE ASSISTANT SECRETARY OFFICE OF THE ADMINISTRATOR FOR COAL				
EMPLOYEE DATA									
20 Service Preference 2		21 Name 1-Name 2-Last		22 Post Disability 3-10 Post Disability 6-10 Post Compensable		23 Post Short 6-10 Post Inexpensable 30%		24 Service 1	
25 TEOL Z5		26 Basis + Option B (5x) + Option A + Option C (5x)		27 Appointment D		28 Not Applicable		29 Pay Rate Determination 0	
30 Retirement Plan K		31 FERS and FICA		32 Service Comp. Date (Leave) 04-19-1989		33 Work Schedule F		34 Full Time	
POSITION DATA									
35 Position Occupied 1		36 Competitive Service 1-Competitive Service 2-Excepted Service		37 FLRA Category E		38 E-Example M-Non-exempt		39 Appropriation Code R007Q3AD00001101000	
40 Duty Station Code 510180013		41 Duty Station ARLINGTON Arlington VA USA		42 Duty Station (City, County, State or Overseas Location)		43 Reporting Unit Status RR88		44	
45 Agency Code DLMS		46 Personnel Office US 4155		47 Approval Date 07-08-2000		48 FAR Number C-HQ-09-92		49	
49 Remarks									
50 Expiring Department or Agency U.S. Department of Labor									
51 Signature, Authorization, and Title of Approving Official DENISE R. MCGANN HUMAN RESOURCES OFFICER									

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DLB-2255-00206

Standard Form 50

Rev 1991

U.S. Office of Personnel Management
Guide to Processing Personnel Actions, Chapter 4

NOTIFICATION OF PERSONNEL ACTION

1 Name (Last, First, Middle) Thomas, Charles James				2 Social Security Number Redacted - Privacy		3 Date of Birth Redacted - Privacy		4 Effective Date 04-12-2009	
5-A Code 030				5-B Nature of Action Detail NTE 08-09-2009				5-C Code 030	
5-D Code VBM				5-E Legal Authority 5 U.S.C. 3341 Unclass				5-F Code VBM	
5-G Code VBM				5-H Legal Authority 5 U.S.C. 3341 Unclass				5-I Code VBM	
6 FROM Position Title and Number DIRECTOR, OFFICE OF ACCOUNTABILITY Job Code (PD): L00499				7 TO Position Title and Number ACTING DEP ADMINISTRATOR FOR COAL MINE SAFETY & HEALTH Job Code (PD): L00480					
8 Pay Plan GS				9 Grade or Level 0340		10 Step or Rate 15		11 Total Salary \$132,914.00	
12A Basic Pay \$107,972.00				12B Locality Adj. \$24,942.00		12C Adj. Basic Pay \$132,914.00		12D Other Pay \$0	
13 Name and Location of Position - Organization Mine Safety and Health Administration OFFICE OF THE ASSISTANT SECRETARY OFFICE OF ACCOUNTABILITY				14 Name and Location of Position - Organization Mine Safety and Health Administration OFFICE OF THE ASSISTANT SECRETARY OFC OF THE ADMINISTRATOR FOR COAL					
15 Veterans Preference 2				16 Tenure 1		17 Agency Use N		18 Veterans Preference for R/R N	
19 FEOL Z5				20 Basic + Option B (5x) + Option A + Option C (5x)		21 Not Applicable		22 Pay Rate Determinant 0	
23 Retirement Plan K				24 Service Comp Date (Leave) 04-19-1989		25 Work Schedule F		26 Part Time Hours per Biweekly Pay Period Full Time	
27 Position Occupied 1				28 PLSA Category E		29 Appropriate Code H007Q3AD00000101000		30 Unpublished Unit Series 8888	
31 Duty Station Code 510100013				32 Duty Station ARLINGTON Arlington VA USA					
33 Agency Data 41				34		35		36	
37 Remarks This is a detail to unclassified duties not to exceed 120 days.				PAR Number: C-HQ-09-59					
38 Employing Department or Agency U.S. Department of Labor				39 Signature/Authentication and Title of Approving Official DENISE R. MCGANN HUMAN RESOURCES OFFICER					
40 Agency Code DLMS		41 Personnel Office ID 4155		42 Approval Date 05-11-2009					

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DLB-2255-00207

NOTIFICATION OF PERSONNEL ACTION

1 Name (Last, First, Middle) Thomas, Charles James				2 Social Security Number Redacted - Privacy		3 Date of Birth Redacted - Privacy		4 Effective Date 02-06-2010	
5 FROM Position Title and Number DIRECTOR, OFFICE OF ACCOUNTABILITY Job Code (PD): L00499				15 TO Position Title and Number ACTING DEP ADMINISTRATOR FOR COAL MINE SAFETY & HEALTH Job Code (PD): L00480					
6-A Code 931		6-B Nature of Action Extension of Detail NTE 04-07-2010		6-A Code		6-B Nature of Action			
7-A Code VSM		7-B Legal Authority 5 U.S.C. 3341 Lineless		7-A Code		7-B Legal Authority			
8-A Code		8-B Legal Authority		8-A Code		8-B Legal Authority			
8 FROM Position Title and Number DIRECTOR, OFFICE OF ACCOUNTABILITY Job Code (PD): L00499				15 TO Position Title and Number ACTING DEP ADMINISTRATOR FOR COAL MINE SAFETY & HEALTH Job Code (PD): L00480					
8 Pay Plan US		9 Grade Code 0340		10 Grade or Lvl 15		11 Step or Rate 05		12 Total Salary \$140,259.00	
13A Basic Pay \$112,912.00		13B Locality Adj \$27,347.00		13C Adj Basic Pay \$140,259.00		13D Other Pay \$0		17 Pay Basis PA	
14A Basic Pay \$112,912.00		14B Locality Adj \$27,347.00		14C Adj Basic Pay \$140,259.00		14D Other Pay \$0		17 Pay Basis PA	
14 Name and Location of Reporting Organization Mine Safety and Health Administration OFFICE OF THE ASSISTANT SECRETARY OFFICE OF ACCOUNTABILITY				15 Name and Location of Reporting Organization Mine Safety and Health Administration OFFICE OF THE ASSISTANT SECRETARY OFFICE OF THE ADMINISTRATOR FOR COAL					
21 Veterans Preference 2 1-Memo 2-1 Point 3-10 Point Disability 4-10 Point Unemployment 5-10 Point Other 6-10 Point Unemployment/30%				24 Tenure 1 0-Term 1-Permanent 2-Conditional 3-Indefinite		25 Agency Use		26 Veterans Preference for RIF YES NO	
22 Basic : Option B (5x) : Option A : Option C (5x)				27 Not Applicable		28 Pay Rate Determination 0		29 Pay Rate Determination 0	
23 Retirement Plan A FERS and NICA				24 Service Comp. Date (Leave) 04-19-1989		25 Work Schedule F Full Time		26 Pay Period Pay Period	
27 Position Category 7 1-Competitive Service 2-Excepted Service 3-SES General 4-SES Career Reserved				28 FLSA Category E E Except F-Reserve		29 Appointment Code R00703A1000001101000		30 Managing Unit Code 8888	
31 Duty Station Code 510100013				32 Duty Station ARLINGTON Arlington VA USA					
33 Agency Date 41		34		35		36 PAR Number:			
37 Remarks									
38 Employing Department or Agency U.S. Department of Labor				39 Signature/Authentication and Title of Approving Official NANCY J. WILSON HUMAN RESOURCES OFFICER					
40 Agency Code DLMS		41 Personnel Office ID 4153		42 Approval Date 02-23-2010		43			

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Standard Form 58

Rev. 7/91

U.S. Office of Personnel Management
Update to Processing Personnel Actions, Chapter 4

NOTIFICATION OF PERSONNEL ACTION

1 Name (Last, First, Middle) Thomas, Charles James				2 Social Security Number Redacted - Privacy		3 Date of Birth Redacted - Privacy		4 Effective Date 08-10-2009	
5-A Code 931		5-B Nature of Action Extension of Detail NTE		10-08-2009		6-A Code		6-B Nature of Action	
7-C Code VSM		7-D Legal Authority 5 U.S.C. 3341 Unclass				8-C Code		8-D Legal Authority	
7-E Code		7-F Legal Authority				9-E Code		9-F Legal Authority	
7 FR/PA Position Title and Number DIRECTOR, OFFICE OF ACCOUNTABILITY Job Code (PD): L00499					15 TD Position Title and Number ACTING DEP ADMINISTRATOR FOR COAL MINE SAFETY & HEALTH Job Code (PD): L00480				
8 Pay Plan GS		9 Org. Code 0340		10 Grade or Lvl 15		11 Step or Rate 05		12 Total Salary Award \$136,941.00	
13A Basic Pay \$111,244.00		13B Locality Adj \$23,697.00		13C Adj. Basic Pay \$136,941.00		13D Other Pay \$0		14 Pay Basis PA	
20A Basic Pay \$111,244.00		20B Locality Adj \$23,697.00		20C Adj. Basic Pay \$136,941.00		20D Other Pay \$0		21 Pay Basis PA	
11 Name and Location of Present Organization Mine Safety and Health Administration OFFICE OF THE ASSISTANT SECRETARY OFFICE OF ACCOUNTABILITY					12 Name and Location of Previous Organization Mine Safety and Health Administration OFFICE OF THE ASSISTANT SECRETARY OFFICE OF THE ADMINISTRATOR FOR COAL				
23 Veterans Preference 2		24 Name 1-Name 2-1 Point		25 Points/Qualifying 3-10 Points/Qualifying 4-10 Points/Compensable		26 Points/Other 6-10 Points/Compensable/70%		27 Veterans Preference for RIF X YES	
28 FEOL Z5		29 Basis: Option B (5x) / Option A / Option C (5x)		30 Absolution Indicator		31 Not Applicable		32 Pay Rate Determinant 0	
33 Statement Plan K		34 FERS and NCA		35 Service Credit Date (Leave) 04-10-1989		36 Work Schedule F		37 Part/Time Status Pay Period Full Time	
38 Position Occupied 1		39 Competitive Service 2-Occupied Service		40 SES General 4-SES Career Reserved		41 FLSA Category E		42 Examples M-Planescript	
43 Duty Station Code 510100013		44 Duty Station ARLINGTON Arlington VA USA		45 Appropriation Code R007Q3AD000001101000		46 Unassigned Unit Status 5898			
47 Agency Data DLMS		48 Personnel Office ID 4155		49 Approval Date 08-11-2009		50 Signature/Initials and Title of Approving Official DENISE R. MCGANN HUMAN RESOURCES OFFICER			

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DLB-2255-00209

Standard Form 50

Rev 7/91

U.S. Office of Personnel Management
Guide to Processing Personnel Actions Chapter 4

NOTIFICATION OF PERSONNEL ACTION

1 Name (Last, First, Middle) Thomas, Charles James				2 Social Security Number Redacted - Privacy		3 Date of Birth Redacted - Privacy		4 Effective Date 06-05-2010	
5 A Code 931				5-B Name of Action Extension of Detail NTE		5-C Date 10-03-2010		5-D Refuse to Accept	
6 A Code VSM				6-D Legal Authority 5 U.S.C. 3341 Unclass		6-B Code		6-E Legal Authority	
7 A Code				7-F Legal Authority		7-B Code		7-G Legal Authority	
8 FROM Position Title and Number DIRECTOR, OFFICE OF ACCOUNTABILITY Job Code (FD): L00499				9 TO Position Title and Number UNCLASSIFIED DUTIES Job Code (PD): UNCLAS					
10 Pay Plan GS		11 Out Code 0340		12 Grade or LV 15		13 Step or Rate 05		14 Total Salary \$140,259.00	
15 Pay Basis PA		16 Pay Plan GS		17 Out Code 0340		18 Grade or LV 15		19 Step or Rate 05	
20 Total Salary Award \$140,259.00		21 Pay Basis PA		22 Basic Pay \$112,912.00		23 Locality Adj \$27,347.00		24 Adm Basic Pay \$140,259.00	
25 Locality Adj \$0		26 Adm Basic Pay \$0		27 Other Pay \$0		28 Other Pay \$0		29 Other Pay \$0	
29 Name and Location of Present Organization Mine Safety and Health Administration OFFICE OF THE ASSISTANT SECRETARY OFFICE OF ACCOUNTABILITY					30 Name and Location of Proposed Organization Mine Safety and Health Administration OFFICE OF THE ASSISTANT SECRETARY OFFICE OF THE ADMINISTRATOR FOR COAL				
31 Veterans Preference 2				32 Test Score 1		33 Agency Use N		34 Veterans Preference for RIF YES	
35 FEOL 23				36 Basic - Option B (5x) : Option A : Option C (5x) 9		37 Not Applicable		38 Pay Rate Determination 0	
39 Retirement Plan K				40 Service Comp Date (Leave) 64-19-1989		41 Work Schedule Full time		42 Part-Time Hours Per Biweekly Pay Period	
43 Position Grouped 1				44 FLSA Category E		45 Agency Use Code R007Q3AD000001101000		46 Bargaining Unit Status 8888	
47 Duty Station Code 510100013				48 Duty Station (City-County-State or Overseas Location) ARLINGTON Arlington VA USA					
49 Agency Data 41				50		51		52	
53 Remarks				PAR Number					
54 Employing Department or Agency U.S. Department of Labor				55 Signature/Authentication and Title of Approving Official NANCY J. WILSON ACTING HUMAN RESOURCES OFFICER					
56 Agency Code DLMS		57 Personnel Officer ID 4155		58 Approval Date 06-04-2010		59			

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DLB-2255-00210

Standard Form 56

Rev 7/91

U.S. Office of Personnel Management
Guide to Processing Personnel Actions, Chapter 4

NOTIFICATION OF PERSONNEL ACTION

1 Name (Last, First, Middle) Thomas, Charles James		2 Social Security Number Redacted - Privacy		3 Date of Birth Redacted - Privacy		4 Effective Date 08-10-2009	
5 FROM Position Title and Number DIRECTOR, OFFICE OF ACCOUNTABILITY Job Code (PD) 100499							
6 TO Position Title and Number ACTING DEP ADMINISTRATOR FOR COAL MINE SAFETY & HEALTH Job Code (PD) L00480							
7 A Code 931		7 B Nature of Action Extension of Detail NTE 10-08-2009		7 C Code		7 D Nature of Action	
7 E Code VSM		7 F Legal Authority 5 USC 3341 Unless		7 G Code		7 H Legal Authority	
7 I Code		7 J Legal Authority		7 K Code		7 L Legal Authority	
8 Pay Plan GS		9 Grade or Step 0340		10 Step or Rate 15		11 Total Salary \$136,941.00	
12 Pay Basis PA		13 Basic Pay \$111,244.00		14 Locality Adj \$25,697.00		15 Other Pay \$0	
16 Pay Plan GS		17 Grade or Step 0340		18 Step or Rate 15		19 Total Salary Award \$136,941.00	
20 Pay Basis PA		21 Basic Pay \$111,244.00		22 Locality Adj \$25,697.00		23 Other Pay \$0	
24 Name and Location of Person's Organization Mine Safety and Health Administration OFFICE OF THE ASSISTANT SECRETARY OFFICE OF ACCOUNTABILITY				25 Name and Location of Person's Organization Mine Safety and Health Administration OFFICE OF THE ASSISTANT SECRETARY OFFICE OF THE ADMINISTRATOR FOR COAL			
26 Veterans Preference 2		27 Points 1-None 2-1 Point 3-10 Points/Disability 4-10 Points/Compensable 5-10 Points/Other 6-10 Points/Compensable/10%		28 Tentative 1		29 Agency Use N YES NO	
30 FEES Z3		31 Basic - Option B (5x) - Option A - Option C (5x)		32 Annual Salary Increase 9		33 Pay Rate Determination 0	
34 Retirement Plan h		35 FERS and FICA 04-19-1989		36 Work Schedule F		37 Part-Time Hours Per Week Full Time	
38 Position Occupied 1		39 FLSA Category E		40 Appropriation Code R007Q3ALX000001101000		41 Bargaining Unit Name NNNR	
42 Duty Station Code 510100013		43 Duty Station ARLINGTON Arlington VA USA					
44 Agency Date DLMS		45 Personnel Office ID 4153		46 Approval Date 08-11-2009		47 PAR Number	
48 Employing Department or Agency U.S. Department of Labor		49 Signature/Authentication and Title of Approving Official DENISE R. MCGANN HUMAN RESOURCES OFFICER					

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DLB-2255-00211

Standard Form 50

Rev 7/91

U.S. Office of Personnel Management
Guide to Processing Personnel Actions Chapter 4

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) Thomas, Charles James				2. Social Security Number Redacted - Privacy		3. Date of Birth Redacted - Privacy		4. Effective Date 09-25-2010	
FIRST ACTION					SECOND ACTION				
5-A. Code 937		5-B. Nature of Action Termination of Detail			6-A. Code		6-B. Nature of Action		
7-A. Code VLM		7-B. Legal Authority 5 U.S.C. 3341			8-A. Code		8-B. Legal Authority		
7-E. Code		7-F. Legal Authority			8-E. Code		8-F. Legal Authority		
7. FROM: Position Title and Number ACTING DEP ADMIN FOR COAL Job Code (PD): UNCLAS					13. TO: Position Title and Number DIRECTOR, OFFICE OF ACCOUNTABILITY Job Code (PD): L00499				
9. Pay Plan/Rate Code GS 0340		10. Grade or LM 15		11. Step or Rate 05		12. Total Salary \$140,259.00		13. Pay Basis PA	
14A. Basic Pay \$112,912.00		14B. Locality Adj \$27,347.00		14C. Adj. Basic Pay \$140,259.00		14D. Other Pay \$0		14E. Total Pay \$140,259.00	
14. Name and Location of From's Organization Mine Safety and Health Administration OFFICE OF THE ASSISTANT SECRETARY OFC OF THE ADMINISTRATOR FOR COAL					15. Name and Location of To's Organization Mine Safety and Health Administration OFFICE OF THE ASSISTANT SECRETARY OFFICE OF ACCOUNTABILITY				
EMPLOYEE DATA									
23. Veterans Preference 2				24. Tenure 1		25. Agency Use		26. Veterans Preference on Bill X YES NO	
27. FEGLI Z5				28. Annuity Election 9		29. Pay Rate Determinant 0		30. Part-time Hours Per Annum Pay Period	
31. Retirement Plan K				32. Service Credit Rate (Leave) 64-19-1989		33. Work Schedule F		34. Full Time	
POSITION DATA									
35. Position Occupied 1				36. FLSA Category E		37. Appropriation Code R007Q3AD000001101000		38. Bargaining Unit Status	
39. Duty Station Code S10100013				40. Duty Station ARLINGTON Arlington VA USA					
41. Agency Data 41		42.		43.		44. PAR Number			
45. Remarks									
46. Lending Department or Agency U.S. Department of Labor									
47. Agency Code DLMS		48. Personnel Officer ID 4155		49. Approval Date 10-07-2010		50. Signature/Authentication and Title of Approving Official NANCY J. WILSON ACTING HUMAN RESOURCES OFFICER			

2 - OFF Copy - Long-Term Record - DO NOT DESTROY

Editions Prior to 7/91 Are Not Usable After 6/30/93

DLB-2255-00212

2 - OFF Copy - Long-Term Record - DO NOT DESTROY

Editions Prior to 7/91 Are Not Usable After 6/30/91

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) THOMAS, CHARLES JAMES				2. Social Security Number Redacted - Privacy		3. Date of Birth Redacted - Privacy		4. Effective Date 09/26/10															
FIRST ACTION				SECOND ACTION																			
5-A. Code 542		5-B. Nature of Action CONV TO SES CAREER APPT		6-A. Code		6-B. Nature of Action																	
5-C. Code V1M		5-D. Legal Authority 5 USC 3393		6-C. Code		6-D. Legal Authority																	
5-E. Code		5-F. Legal Authority		6-E. Code		6-F. Legal Authority																	
7. FPOSS: Position Title and Number DIRECTOR, OFFICE OF ACCOUNTABILITY 00005616 100499				18. TO: Position Title and Number DEP ADMIN FOR COAL MINE SAFETY AND HEA DL050504 ES0504																			
8. Pay Plan GS		9. Org. Code 0340		10. Grade/Level 15		11. Step/Rate 05		12. Total Salary 148,259.00		13. Pay Basis PA		18. Pay Plan ES		17. Org. Code 1022		18. Grade/Level 08		19. Step/Rate 00		20. Total Salary Award 148,674.54		21. Pay Basis PA	
12A. Base Pay 112,912.00		12B. Locality Adj. 27,347.00		12C. Adj. Base Pay 148,259.00		12D. Other Pay .00		18A. Base Pay 148,674.54		18B. Locality Adj. .00		18C. Adj. Base Pay 148,674.54		18D. Other Pay .00									
14. Name and Location of Position's Organization NINE SAFETY AND HEALTH ADMINISTRATION OFFICE OF THE ASSISTANT SECRET OFFICE OF ACCOUNTABILITY				22. Name and Location of Position's Organization NINE SAFETY AND HEALTH ADMINISTRATION OFFICE OF THE ASSISTANT SECRET OPC OF THE ADMINISTRATOR FOR C DL NT0106000000000000 PP 10 2010																			
EMPLOYEE DATA																							
23. Veterans Preference 2 1 - None 2 - 10-Peet 3 - 10-Peet/Qualifying 4 - 10-Peet/Other 5 - 10-Peet/Compensation/50%												24. Tenure 0 0 - None 1 - Permanent 2 - Indefinite				25. Agency Use		26. Veterans Preference for RIF X YES NO					
27. FEGLI Z3 BASIC-STANDARD-SX ADDITIONAL-SX FAM												28. Annuity Indicator 9 NOT APPLICABLE				29. Pay Rate Determination 0							
30. Retirement Plan K FERS AND FICA				31. Service Comp. Date (Leave) 04/19/89				32. Work Schedule F FULL TIME				33. Part-Time Hours Per Bimonthly Pay Period											
POSITION DATA																							
34. Position Occupied 3 1 - Executive Service 2 - Excepted Service 3 - SES General 4 - SES Career Reserved				35. FLSA Category E E - Exempt N - Non-exempt				36. Appropriation Code				37. Bargaining Unit Status 8088											
38. Duty Station Code 51-0100-013				39. Duty Station (City - County - State or Overseas Location) ARLINGTON ARLINGTON VA																			
40. Agency Data		41.		42.		43.		44.															
45. Remarks Veteran preference is not applicable to the Senior Executive Service. Subject to satisfactory completion of one year SES probationary period beginning 09/26/2010. Tenure as used for 5 U.S.C. 3502 is not applicable to the Senior Executive Service.																							
46. Employing Department or Agency DEPARTMENT OF LABOR												50. Signature/Authentication and Title of Approving Official BROOKE L. BREWER DIRECTOR, OFFICE OF EXEC RESOURC											
47. Agency Code DL MI		48. Personnel Office ID 4155		49. Approval Date 09/16/10																			



PERFORMANCE MANAGEMENT PLAN FOR MANAGERS AND SUPERVISORS

General Information		
Name:	Charles James Thomas	
Organization:	MSHA - A/S - Office of Accountability	
Appraisal Period:	12/10/2008 <i>mar</i> To 9/30/2009	
Establishment of the Performance Management Plan		
We have discussed this plan; written comments have <u>(have not)</u> <input checked="" type="checkbox"/> been attached.		
Manager/Supervisor:	<i>Charles J. Thomas</i> Date: October 23, 2008	
Rating Official:	<i>[Signature]</i> Date: October 23, 2008	
Reviewing Official:	<i>[Signature]</i> Date: December 12, 2008	
Mid-Term Progress Review Certification		
The mid-term progress review has been conducted.		
Manager/Supervisor:	<i>Charles J. Thomas</i> Date: April 2, 2009	
Rating Official:	<i>[Signature]</i> Date: 4/2/2009	
Performance Appraisal and Rating		
<input checked="" type="checkbox"/>	Exemplary	Exceed standards for all elements
<input type="checkbox"/>	Highly Effective	Exceed standards for 50% or more elements but not all; meet standards for all other elements
<input type="checkbox"/>	Effective	Meet standards for all elements and may exceed standards for less than 50% of elements
<input type="checkbox"/>	Minimally Satisfactory	Need to improve performance for one or more elements
<input type="checkbox"/>	Unsatisfactory	Fail to meet standards on one or more elements
We have discussed this appraisal; written comments have <u>have not</u> <input checked="" type="checkbox"/> been attached.		
Manager/Supervisor:	<i>Charles J. Thomas</i>	Date: 10/2/2009
Rating Official:	<i>[Signature]</i>	Date: 10/2/09
Reviewing Official:	<i>[Signature]</i>	Date: 10/15/09

PP 11/3/09

**Performance
Summary**

For each element, use an "X" to indicate the appropriate rating.
Element ratings: E = Exceed, M = Meet, NI = Need to Improve, F = Fail

ELEMENT	ELEMENT RATING			
	E	M	NI	F
<i>Managerial Competencies:</i>				
A. Leadership	X			
B. Resource Management	X			
C. Coalition Building and Communication	X			
D. Problem Solving and Initiative	X			
<i>Achieving Organizational Results: Identify Linkage with Appropriate DOL Performance Outcome Goals:</i>				
Result 1	X			
Result 2	X			
Result 3	X			
Result 4	X			

PURPOSE OF APPRAISAL: _____ Interim Rating X Rating of Record

Other
Significant
Accomplishments

**Managerial
Competency
Elements**

A. LEADERSHIP

EXCEED	<input checked="" type="checkbox"/>
MEET	<input type="checkbox"/>
NEED TO IMPROVE	<input type="checkbox"/>
FAIL	<input type="checkbox"/>

Performance standards for Meet:

Develops and maintains long and short-term strategic planning to facilitate the achievement of the Agency's mission, consistent with key Agency policies and priorities and economic, political and social trends affecting the organization.

Anticipates and meets the needs of clients/customers. Sets standards for customers' needs and satisfaction, and meets them.

Uses agency performance plans and other management systems to link individual performance to outcomes and to overall organizational performance objectives.

B. RESOURCE MANAGEMENT

EXCEED	<input checked="" type="checkbox"/>
MEET	<input type="checkbox"/>
NEED TO IMPROVE	<input type="checkbox"/>
FAIL	<input type="checkbox"/>

Performance standards for Meet:

Ensures that staff are appropriately selected, utilized, appraised, and developed, as well as treated fairly and equitably. Takes steps to address issues of discrimination of which he or she is aware. Actively develops the talents of the staff, and develops qualified candidates for positions in the organization.

Uses informal training, continuous managerial assessments, frequent and constructive feedback and appropriate recognition to promote staff morale and to ensure quality work products and customer service.

Proactively works to maintain a safe workplace and to prevent accidents, injuries and illness. Resolves conflicts in a positive and constructive manner.

Assures that the organizational budget is administered in a manner that supports the accomplishment of program goals and reflects sound financial management.

**Managerial
Competency
Elements**

EXCEED	<input checked="" type="checkbox"/>
MEET	<input type="checkbox"/>
NEED TO IMPROVE	<input type="checkbox"/>
FAIL	<input type="checkbox"/>

C. COALITION BUILDING AND COMMUNICATION

Performance standards for Meet:

Promotes an open, communicative environment where staff can readily access resources and move forward to accomplish common goals and tasks. Handles workplace disputes promptly and effectively.

Makes clear to staff what is expected of them both individually and as a team/group; clarifies the extent of their authority.

Effectively represents the Department and the program agency internally and externally. Actively engages the cooperation of internal and external stakeholders in working on common tasks or group projects; shares work and decision-making with others.

D. PROBLEM SOLVING AND INITIATIVE

EXCEED	<input checked="" type="checkbox"/>
MEET	<input type="checkbox"/>
NEED TO IMPROVE	<input type="checkbox"/>
FAIL	<input type="checkbox"/>

Performance standards for Meet:

Stressed innovation and risk-taking. Analyzes problem and develops alternative solutions, emphasizing new approaches. Takes calculated risks to move program forward.

Displays an attitude that accepts mistakes as part of the developmental process, as the organization works to achieve results.

**Organizational
Performance
Elements**

Provide 4 results-specific objectives that demonstrate linkage with DOL's Strategic Plan outcome goals. This section should include the major results to be achieved during the period of time covered by the performance agreement. Results need to be clearly identified and measurable. They should be phrased in a manner that will leave no doubt about whether the results were achieved; however, the results should not include detailed milestones or descriptions of the process and methods used to get the results.

PERFORMANCE AGREEMENT RESULT # 1		Reduce the Fatal Injury Incidence Rate in the Nation's Metal and Nonmetal Mines and Coal Mines by 22% from the baseline by the end of FY 2011.
EXCEED	X	
MEET		Ensures that subordinate employees are appropriately assisting MSHA employees in communicating recommendations and root causes for the purpose of preventing fatalities, injuries, and repetitive non-compliance most of the time.
NEED TO IMPROVE		Through audits of District and/or Field office performance, provides oversight to ensure that all enforcement tools are utilized, and the proper level of enforcement is adequately and properly documented according to policy and procedures to prevent fatalities.
FAIL		<p>Audits are typically completed and a report is issued within 12 days. Field or mine site audits are usually completed in 1 to 3 days, depending on mine size and complexity.</p> <p>Findings are typically discussed with the Administrators of Coal and M/NM. Reports are mailed to each District Manager most of the time.</p> <p>Follow-up audits (or data mining) are usually conducted to ensure District compliance. Audits are planned for efficient and effective use of resources.</p>

PERFORMANCE AGREEMENT RESULT # 2		Reduce the ALL Injury Incidence Rate, in the Nation's Metal and Nonmetal Mines and Coal Mines, by 57% by the end of FY 2011.
EXCEED	X	
MEET		Through audits of District and/or Field office performance, typically provides oversight to ensure
NEED TO IMPROVE		

FAIL		that hazards are being recognized and properly addressed and documented.
		Through audits of District and/or Field office performance, ensures that internal review and other accountability audit corrective actions are being followed.
		Audits are typically completed and a report is issued within 12 days. Field or mine site audits are usually completed in 1 to 3 days, depending on mine size and complexity.
		Findings are typically discussed with the Administrators of Coal and M/NM. Reports are mailed to each District Manager most of the time.
		Follow-up audits (or data mining) are usually conducted to ensure District compliance. Audits are planned for efficient and effective use of resources.

PERFORMANCE AGREEMENT RESULT # 3		Decrease by 5% per year the percentage of silica dust and noise samples taken with results that are less than half the permissible exposure with results that are less than half the permissible exposure limit.
EXCEED	X	
MEET		
NEED TO IMPROVE		Reduce respirable coal dust samples exceeding applicable standards by 5%, and establish a new baseline for noise in coal mines.
FAIL		
		Typically identifies possible deficiencies through a review and analysis of existing data.

PERFORMANCE AGREEMENT RESULT # 4		Reduce FY05 total case rate by 10% or achieve a rate that is 50% below MSHA's FY05 total case rate.
EXCEED	X	
MEET		Reduce FY05 lost time case rate by 10% or achieve a rate that is 50% below MSHA's FY05 lost time case rate.
NEED TO IMPROVE		

<p>FAIL</p>	<p>Reduce FY05 lost production day rate by 10%.</p> <p>Process 95% of all claims received timely.</p> <p>Through audits of District and/or Field office performance, provides oversight to ensure that all enforcement tools are utilized, and the proper level of enforcement is adequately and properly documented according to policy and procedures.</p> <p>Audits are typically completed and a report is issued within 12 days. Field or mine site audits are usually completed in 1 to 3 days, depending on mine size and complexity.</p> <p>Findings are typically discussed with the Administrators of Coal and M/NM. Reports are mailed to each District Manager most of the time.</p> <p>Follow-up audits (or data mining) are usually conducted to ensure District compliance. Audits are planned for efficient and effective use of resources.</p>
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ELEMENT 1-LEADERSHIP

Performance standards for Meet:

Develops and maintains long and short-term strategic planning to facilitate the achievement of the Agency's mission, consistent with key Agency policies and priorities and economic, political and social trends affecting the organization.

Anticipates and meets the needs of clients/customers. Sets standards for customers' needs and satisfaction, and meets them.

Uses agency performance plans and other management systems to link individual performance outcomes and to overall organizational performance objectives.

- **Conducted detailed analysis of the level of enforcement at the District and field office levels for Coal and Metal Non Metal to identify weak or low levels of enforcement. Compares current levels of enforcement to levels over a longer period of time.**
- **Reviews and conducts follow-up Office of Accountability reviews to determine if the "Accountability Program" is on track and following correct procedures, and determine if both Headquarter and District reviews are in depth, accurate, informative, and that deficiencies are truly corrected for long term. Audits were conducted to receive feedback from Administrators, Deputy Administrators, Headquarters Accountability Coordinators, and the Managers in the field.**
- **Continuously develop new checklist items and improve the audit process from not only a "problematic mine" view but expand the office to look at District performance and drill down to individual field office performance.**
- **Monitor and incorporate the monthly "Key Indicator" reports as part of the audit process.**
- **This FY2009 Charles mentored one Department of Labor employee in Leadership Development and one Mine Academy MSHA employee as a Leadership Development Program Mentor.**
- **Constantly reviews the Key Indicators and status of GPRA goals to stay abreast of MSHA Coal and MNM successes and issues regarding employee accidents, injuries, safety and health initiatives, etc, and uses this information during audits.**

ELEMENT 2-RESOURCE MANAGEMENT

Performance standards for Meet:

Ensures that staff are appropriately selected, utilized, appraised, and developed, as well as treated fairly and equitably. Takes steps to address issues of discrimination of which he or she is aware. Actively develops the talents of the staff, and develops qualified candidates for positions in the organization.

Uses informal training, continuous managerial assessments, frequent and constructive feedback and appropriate recognition to promote staff morale and to ensure quality work products and customer service.

Proactively works to maintain safe workplace and to prevent accidents, injuries, and illness. Resolves conflicts in a positive constructive manner.

Assures that the organizational budget is administered in a manner that supports the accomplishments of program goals and reflects sound financial management.

- Suggested to the Administrator for Coal and the EFD Director Jeff Duncan, as both problem solving and resource management to have the Educational and Field Service specialist conduct walk and talk and present handouts underground at all of Coal's 103(i) spot mines which was approximately 104 underground mines and had a positive impact on proper rockdusting, permissibility, work place examinations, and ventilation best practices. (This bullet is also mentioned in problem solving as well as here in resource management.)
- The Office of Accountability accomplished the following as resources were efficiently utilized to accomplish in house training and at the same time complete the required number of audits and follow-up audits without disrupting Coal and Metal Non Metal key events such as National Coal Mine Rescue Contest, local mine rescue contests, all employee meetings, and other Program initiatives with no disruption. Below is a list of resource accomplishments from October 1, 2008 to April 11, 2009.

A total of 16 audits were conducted by the Office of Accountability from October 1, 2008 through April 11, 2009 with a total of 176 citations and 1 order issued.

Twelve audits were conducted in Coal at seven Districts in which 8 field offices were visited. Six underground mines were inspected with 83 citations issued. Six surface mines were inspected with 38 citations issued.

Four audits were conducted in Metal/Non-metal at four Districts in which 4 field offices were visited. One underground mine was inspected with 20 citations issued. Two surface mines were inspected with 13 citations issued. One surface facility was inspected with 22 citations and 1 order issued.

The following is a breakdown of each District/field office:

Coal – 12 audits (Issuances in parenthesis)

	<u>UG</u>	<u>SF</u>	<u>FAC</u>
District 1 – Shamokin FO		2 (9)	
District 5 – Norton FO		1 (1)	
District 6 – Hindman FO	1 (12)		
District 7 – Hazard FO	1 (6)		
District 9 – Price FO	1 (0)		
District 9 – McAlester FO	1 (30)		
District 10 – Morganfield FO	1 (26)	1 (14)	
District 11 – Bessemer FO	1 (11)	2 (14)	

MNM – 4 audits

Southeastern – Birmingham FO		1 (11)	
South Central – Dallas FO		1 (2)	
Rocky Mountain – Helena FO	1 (20)		
Western – San Bernardino FO			1 (22)+(1 Order)
	<u>7 (103)</u>	<u>8 (51)</u>	<u>1(22 + 1 Order)</u>

District 9 Training – Richard McDorman conducted Gravity, Negligence, and Citation and Order writing in District 9 Field Offices this FY2009 with improvement in some field offices.

During the week of January 6, 2009 the Director of Accountability held an Accountability Planning meeting at headquarters to discuss future audits to be conducted during FY2009. Both specialists attended the meeting and a conference call was held to include the Computer Specialist in discussions of changes and/or improvements on conducting the accountability audits.

The incumbent ensured that he and both specialists receive training and down SCSRs each and every quarter. In addition, he ensures all Accountability Team members completed required online training courses (COOP, Safeguarding All Personal Identifiable Information and Notification, and Federal Employee Antidiscrimination and Retaliation Act).

The Accountability Team developed a Lock/Tag PowerPoint Presentation to provide to the Districts and mines for training purposes to miners.

District 5 submitted a request to the incumbent to permit the Accountability Computer Specialist to revise a Noise Database that she previously developed. The Computer Specialist revised the Noise Database and provided it to several Districts for use in tracking noise surveys and citations.

ELEMENT 3 –COALITION BUILDING AND COMMUNICATION

Performance standards for Meet:

Promotes and open, communicative environment where staff can readily access resources and move forward to accomplish goals and tasks. Handles workplace disputes promptly and effectively.

Makes clear to staff what is expected of them both individually and as a team/group; clarifies the extent of their authority.

Effectively represents the Department and the program agency internally and externally. Actively engages the cooperation of the internal and external stakeholders in working on common tasks or group projects; share work and decision-making with others.

- Mr. Thomas collaborates and works well with all Agency Program areas, the NMA, the UMWA, coal operators, academia, and always informs folks of the OA schedule, and does this with little or no disruption.
- Talks with his staff daily and has many conference calls which empowers staff to be involved with decision making and listens to miners, coal operators, and allows them to come up with suggestions on health, safety, and compliance with the regulations, standards, policy, and best practices.
- Staff was trained at Impoundment training seminar in Beckley and Director sat in last day to hear their goals and problem solving solutions. Metal has a great need for impoundment regulations and this was reported in audits.
- "One on one" discussions are held with miners, union representatives, mine managers and mine operators to help determine the best avenues of approach to solve problems related to the level of enforcement at each field office audited.

ELEMENT 4-PROBLEM SOLVING AND INITIATIVE

Performance standards for Meet:

Stressed innovation and risk-taking. Analyzes problem and develop alternative solutions, emphasizing new approaches. Takes calculated risks to move program forward.

Displays and attitude that accepts mistakes as part of the developmental process, as the organization works to achieve results.

- Charlie showed initiative by volunteering to work a detail in Coal and "Acting" Deputy Administrator from April 11, 2009 to December 8, 2009 and readily accepts constructive criticism and learns from his mistakes.
- Director of Accountability saw the need for diversity training in his subordinates and interaction with Hispanic speaking miners in the South West especially in the Metal Non Metal program and approached the Deputy Assistant Secretary and convinced him to purchase to "Rosetta Stone" self teaching software for his employees to learn to speak Spanish. This will enhance the OA's ability to communicate with the ever increasing numbers of miners and mine management at operations where English is not the primary language.
- Charlie works well in a "team atmosphere" and always listens to the Program areas for constructive feedback and has a positive attitude and effect on his peers and subordinates and has worked well with the Coal DM's and well as the Metal DM's and is respected.
- Currently working with and collaborating other Agencies for better training and protection of miners concerning explosive training and understanding Alcohol Tobacco and Firearms (ATF). Currently is meeting with them to inform top staff of the possibility of conducting inspections and Department of Labor would be reimbursed for conducting the inspections on non MSHA properties. This is a risk taking adventure to protect not only MSHA employees but person working at the explosive magazine site after MSHA conducts an inspection for ATF. This has yet to be agreed upon or resolved in a Memorandum of Understanding (MOU).
- Suggested to the Administrator for Coal and the EFD Director Jeff Duncan, as both problem solving and resource management to have the Educational and Field Service specialist conduct walk and talk and present handouts underground at all of Coal's 103(l) spot mines which was approximately 104 underground mines and had a positive impact on proper rockdusting, permissibility, work place examinations, and ventilation best practices.

- Consistently identify and communicate and address systemic issues related to MSHA management and oversight of the inspection process, especially related to supervisory review and oversight of enforcement and determination of gravity and negligence.
- Reviewed accompanied activities and second level reviews to assure proper feedback and oversight is conducted in the field.
- Recommended that corrective actions include Richard McDorman travelling to two Districts in Coal to re-enforce gravity and negligence evaluations and this was a very successful accomplishment in D8.
- Conduct "one on one" discussions of audits with Supervisor, Assistant District Managers, District Managers, Deputy Administrators, and Administrators.
- Provide detailed audit information to George Fesak and Michael Davis the Deputy Assistant Secretary of Field Operations.
- A yearly summary report is furnished to the Assistant Secretary outlining the audit findings and corrective action status.
- To further communicate with the field program areas the OA developed a power point on "LOCK & TAG OUT" when performing electrical and maintenance to be proactive in preventing electrical and mechanical repair fatalities.
- His staff created "Best Practices" bulletins for prevention of injuries from materials falling from overhead conveyor system structures at Metal and Non Metal surface and underground mines.

Performance Agreement Result #1

Reduce the Fatal Injury Incidence Rate in the Nation's Metal and NonMetal and Coal Mines by 22% from the baseline by the end of FY 2011.

Ensures that subordinate employees are appropriately assisting MSHA employees in communicating recommendations and root causes for the purpose of preventing fatalities, injuries, and repetitive non-compliance most of the time.

Through audits of District and/or Field office performance, provides oversight to ensure that all enforcement tools are utilized, and the proper level of enforcement is adequately and properly documented according to policy and procedures to prevent fatalities.

Audits are typically completed and report is issued within 12 days. Field or mine site audits are usually completed in 1 to 3 days, depending on mine size and complexity.

Findings are typically discussed with the Administrators of Coal and M/NM. Reports are mailed to each District Manager most of the time.

Follow-up audits (or data mining) are usually conducted to ensure District compliance. Audits are planned for efficient and effective use of resources.

- Employees and I communicate verbally and through reports with all levels of MSHA employees, during site audits feedback is given to the supervisor and the inspector. During closeouts findings, suggestions, deficiencies are discussed with the supervisor and the District Management.
- Audit reports indicate when level of enforcement was appropriate or where there is need for additional oversight and increased level of enforcement. This has a direct effect on operator compliance with health and safety regulations
- Field portion of the report are finished in 1 to 3 days, but reports are not always final in 12 days due to travel, leave, and back to back audits.
- Adverse findings are always discussed with the Administrators, but typical low level deficiencies are normally generated in the report checklist.
- New queries conducted by contractor program analyst to evaluate if improvements are made in specific field offices as follow-up. A follow-up audit was conducted in Price, UT this fiscal year.

Performance Agreement Result #2

Reduce the ALL Injury Incidence Rate, in the Nation's Metal and Nonmetal Mines and Coal Mines, by 57% by the end of FY 2011.

Through audits of the Districts and /or Field office performance, typically provides oversight to ensure that hazards are being recognized and properly addressed and documented.

Through audits of Districts and /or Field office performance, ensures that internal review and other accountability audit corrective actions are being followed.

Audits are typically completed and a report is issued with 12 days. Field or mine site audits are usually completed in 1 to 3 days, depending on mine size and complexity.

Findings are typically discussed with the Administrators of Coal and M/NM. Reports are mailed to each District Manager most of the time.

Follow-up audits (or data mining) are usually conducted to ensure District Compliance. Audits are planned for efficient and effective use of resources.

- Employees and I communicate verbally and through reports with all levels of MSHA employees, during site audits feedback is given to the supervisor and the inspector. During closeouts findings, suggestions, deficiencies are discussed with the supervisor and the District Management.
- Audit reports indicate when level of enforcement was appropriate or where there is need for additional oversight and increased level of enforcement. This has a direct effect on operator compliance with health and safety regulations
- Field portion of the report are finished in 1 to 3 days, but reports are not always final in 12 days due to travel, leave, and back to back audits.
- Adverse findings are always discussed with the Administrators, but typical low level deficiencies are normally generated in the report checklist.
- New queries conducted by contractor program analyst to evaluate if improvements are made in specific field offices as follow-up. A follow-up audit was conducted in Price, UT this fiscal year.
- Phone calls to Managers to check on such subjects as rockdusting surveys, methane liberation, and improvement in enforcement level is checked by both data mining and Key Indicator reports monthly.

Performance Agreement Result #3

Decrease by 5% per year the percentage of silica dust and noise samples taken with results that are less than half the permissible exposure with results that are less than half the permissible exposure limit.

Reduce Respirable coal dust samples exceeding applicable standards by 5%, and establish a new baseline for noise in coal mines.

Typically identifies possible deficiencies through a review and analysis of existing data.

- Preliminary FY 2009 Noise National GPRA* 4.01
FY 2009 GPRA Noise National Target 4.45
Data close of business September 29, 2009 with more data to be entered into the system
- 211 of 409 UG mines are on a reduced standard to better protect miners from coal dust and silica. Further breakdown is that 223 of 864 MMU's are on a reduced standard.
- Dust results pending but Coal was meeting national target at the end of the third quarter of FY 2009 the goal was 9.55 percent of samples above the standard and the eleven districts was below the goal at 8.44. Only three of eleven Coal Districts were above their targets, these were Districts 2, 3, and 4 last fiscal year six Districts were above their target, this is a 50% reduction in the number of Districts missing their target on Respirable dust.
- A query run on September 30th by DOH indicates the 9.55 percent of samples above the standard is 7.75% which is a significant improvement. This has not been confirmed until all samples are entered in the next 10 days.

Performance Agreement Result #4

Reduce FY05 total case rate by 10% or achieve a rate that is 50% below MSHA's FY05 total case rate.

Reduce FY05 lost time case rate by 10% or achieve a rate that is 50% below MSHA FY05 lost time case rate.

- MSHA goal FY2009 for total case rate is 6.12 and YTD is 5.11 which indicate goal was reached and exceeded.
- Total lost time case rate goal for FY2009 is 1.96 and YTD rate for FY2009 is 1.29 which indicates the goal was reached and exceeded.
- Lost production date rate goal for FY2009 is 117 and YTD 40.6 which also exceeded the goal for this fiscal year.
- No accidents were reported for the office of accountability staff or Director to date.
- Director ensures that SCSR training is conducted each quarter and documented and expectations training was also conducted here at HQ office in January 2009.

SEE VARIOUS SUPPORTING ATTACHMENTS

- Participate in Post 5, Morgantown, WV Mine Rescue and Bench final appeals judge
- Judge National Mine Rescue Contest, Nashville, TN as score card examiner, final appeals BG-4 Bench, final appeals pre-shift and facilitated getting the mine rescue teams on and off the filed timely to make the contest run efficiently.
- Mentored one LDP person at the Academy, Kevin Malay.
- Mentored one DOL person Ms. Sandra Swinson in CY2009

Performance Management Plan for Managers and Supervisors

A. General Information

1. Employee Name (last, first, middle) Thomas, Charles J.	2. Organization MSHA, COAL
3. Title, Series, Grade Supervisory Mine Safety and Health Specialist, GS-1822-15	4. Appraisal Period (mm/dd/yyyy) 11/10/2009 to 9/30/2010
5. Supervisory Status <input type="checkbox"/> Code 2 - Supervisor or Manager	

B. Performance Elements and Standards Certification

1. I certify that this performance plan contains accurate performance elements and standards that:

- ☒ Link at least one critical element to specific Department, Agency, and/or organizational strategic goal.
- ☒ Hold the employee accountable for measurable and observable results.
- ☒ Link to the employee's position description and reflect the duties and responsibilities assigned to the employee.

2. Rating Official Signature <i>[Signature]</i>	Date (mm/dd/yyyy) 11-10-09
3. Rating Official Name (last, first, middle) Stricklin, Kevin G.	
4. Rating Official Title Administrator for Coal Mine Safety and Health	
5. Prototype Standards? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

C. Position Description Certification

1. Position description is correct? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If No, Explain below)	2. Rating Official Signature <i>[Signature]</i>	Date (mm/dd/yyyy) 11/10/2009
	3. Rating Official Name (last, first, middle) Stricklin, Kevin G.	
	4. Rating Official Title Administrator for Coal Mine Safety and Health	

D. Establishment of the Performance Management Plan

1. We have discussed this plan and written comments are attached <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	2. Employee Signature <i>[Signature]</i>	Date (mm/dd/yyyy) 11/04/2009
3. Rating Official Signature <i>[Signature]</i>	6. Rating Official Signature <i>[Signature]</i>	Date (mm/dd/yyyy) 11/10/2009
4. Rating Official Name (last, first, middle) Stricklin, Kevin G.	7. Reviewing Official Name (last, first, middle) Michael A. Davis	
5. Rating Official Title Administrator for Coal Mine Safety and Health	8. Reviewing Official Title Deputy Asst. Secretary for Operations, MS&H	

E. Mid-Term Progress Review Certification

1. The mid-term progress review has been conducted. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If No, Explain below)	3. Rating Official Signature <i>[Signature]</i>	Date (mm/dd/yyyy) 5/17/10
2. Employee Signature <i>[Signature]</i>	4. Rating Official Name (last, first, middle) Stricklin, Kevin G.	
	5. Rating Official Title Administrator for Coal Mine Safety and Health	

F. Performance Appraisal and Rating

1. Indicate Performance appraisal and rating below.		2. We have discussed this appraisal/written comments are attached <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<input checked="" type="checkbox"/> Exemplary	Exceed standards for all elements	
<input checked="" type="checkbox"/> Highly effective	Exceed standards for 50% or more elements but not all; meets standards for all other elements	
<input type="checkbox"/> Effective	Meet standards for all elements and may exceed standards for less than 50% of elements	
<input type="checkbox"/> Minimally Satisfactory	Need to improve performance for one or more elements	
<input type="checkbox"/> Unsatisfactory	Fail to meet standards for one or more elements	
3. Purpose of Appraisal <input type="checkbox"/> Interim Rating <input checked="" type="checkbox"/> Rating of Record	7. Employee Signature <i>[Signature]</i>	Date (mm/dd/yyyy) 10/29/2010
4. Rating Official Signature <i>[Signature]</i>	8. Reviewing Official Signature <i>[Signature]</i>	Date (mm/dd/yyyy) 10/29/2010
5. Rating Official Name (last, first, middle) Stricklin, Kevin G.	9. Reviewing Official Name (last, first, middle) Wagner, Gregory	
6. Rating Official Title Administrator for Coal Mine Safety and Health	10. Reviewing Official Title Deputy Assistant Secretary for Policy	

G. Performance Summary

1. For each element, select the appropriate rating. Element ratings: E = Exceed; M = Meet; NI = Need to Improve; F = Fail

Managerial Competency Elements	Element Rating			
	E	M	NI	F
Leadership	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Resource Management	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Coalition Building and Communication	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Problem Solving and Initiative	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Equal Employment Opportunity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Organizational Performance Elements	Element Rating			
	E	M	NI	F
Result 1 - Fatality Injury Incidence Rate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Result 2 - Fatalities and Injuries	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Result 3 - Dust and Noise	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Result 4 - Accountability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

H. Other Significant Accomplishments

1. Please describe other significant accomplishments in the space below.

I. Managerial Competency Elements

1. Leadership

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

Performance Standard for Meet

- Develops and maintains long and short-term strategic planning to facilitate the achievement of the Agency's mission, consistent with key Agency policies and priorities and economic, political, and social trends affecting the organization.
- Anticipates and meets the needs of clients/customers. Sets standards for customers' needs and satisfaction and meets them.
- Uses Agency performance plans and other management systems to link individual performance to outcomes and to overall organizational performance objectives.
- Promotes and maintains diverse and inclusive workforce by actively recruiting and hiring from diverse applicant pools; fostering collaboration with individuals from diverse backgrounds, perspectives, and experiences; ensuring opportunities for growth exist equitably for all employees; and providing fair and equitable recognition of accomplishments for all employees.

Narrative

2. Resource Management

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

Performance Standard for Meet

- Ensures that staff are appropriately selected, utilized, appraised and developed. Actively develops the talent of the staff and develops qualified candidates for positions in the organization.
- Prevents staff from working unauthorized overtime hours by consistently applying Fair Labor Standards Act (FLSA) and DOL policy regarding overtime, maintaining an awareness of staff hours worked and organizational goals accomplished, and ensuring staff are knowledgeable of how FLSA designation impacts overtime eligibility and authorization.
- Uses informal training, continuous managerial assessments, frequent and constructive feedback and appropriate recognition to promote staff morale and to ensure quality work products and customer service.
- Proactively works to maintain a safe workplace and to prevent accidents, injuries and illness. Resolves conflicts in a positive and constructive manner.
- Assures that the organizational budget is administered in a manner that supports the accomplishment of program goals and reflects sound financial management.
- Develops, implements, and maintains strategic and operational plans to facilitate the achievement of program responsibilities, assigned under the American Recovery and Reinvestment Act (ARRA) provisions, consistent with the Secretary's enduring vision of Good Jobs for Everyone. Assures that allocated ARRA funds are administered in accordance with the Department's "Operating Plans for Departmental Management Funds in the American Recovery and Reinvestment Act", and complies with Departmental requirements for accurate recording and reporting of ARRA-related activities and resource utilization.
- Actively recruits to attract and select qualified applicants with the competencies needed to successfully meet Departmental Fiscal Year 2010 hiring goals by embracing the use of available hiring flexibilities, developing robust recruitment strategies, and maximizing the use of technology. Applies merit principles to develop, select, and manage a diverse workforce.

Narrative

3. Coalition Building and Communication

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

Performance Standard for Meet

- Promotes an open, communicative environment where staff can readily access resources and move forward to accomplish common goals and tasks. Handles workplace disputes promptly and effectively.
- Makes clear to staff what is expected of them both individually and as a team/group; clarifies the extent of their authority.
- Effectively represents the Department and the program agency internally and externally. Actively engages the cooperation of internal and external stakeholders in working on common tasks or group projects, shares work and decision-making with others.

Narrative

4. Problem Solving and Initiative

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

Performance Standard for Meet

- Stresses innovation and risk-taking. Analyzes problems and develops alternative solutions, emphasizing new approaches. Takes calculated risks to move program forward.
- Displays an attitude that accepts mistakes as part of the developmental process, as the organization works to achieve results.

Narrative

5. Equal Employment Opportunity

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

Performance Standard for Meet

- Ensures continuing application of, and compliance with, applicable Equal Employment Opportunity (EEO) laws, regulations, and policies. Promptly addresses allegations of prohibited discrimination, harassment, and retaliation, ensures EEO principles are adhered to throughout the organization.

Narrative

J. Organizational Performance Elements

At the beginning of the performance cycle, the rating official must provide, in Section J, four critical, results-specific elements and standards, at least one of which demonstrates linkage with the Secretary's vision of *Good Jobs for Everyone* that the employee will be held accountable for during the performance cycle. Each performance standard must be written at the Meets level and includes measures of performance such as quality, quantity, timeliness and cost effectiveness. Standards should be clear and not include detailed milestones or descriptions of the process and methods used to achieve the results.

In assigning a rating to each element, please rate the employee at one of the following four levels and include a written narrative as appropriate.

- Exceeds described level of performance (narrative required)
- Meets described level of performance (narrative not required)
- Needs to improve in order to meet the level of performance (narrative required)
- Fails to meet described level of performance (narrative required)

Result #1

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

In support of the Secretary's Vision of Good Jobs for Everyone through Outcome Goal 2 -- Securing safe and healthy workplaces, wages and overtime, particularly in high-risk industries and Outcome Goal 10 -- Voice in the Workplace:

- Demonstrates efforts toward the reduction of the mining fatality injury incidence rate in the Nation's Coal mines in accordance with the performance goals and indicators.
- Demonstrates efforts toward the reduction of the ALL injury incidence rate in the Nation's Coal mines in accordance with the performance goals and indicators.
- Monitors mine safety and health program are to ensure the citations/orders are timely terminated, Hazard Condition Complaints are timely processed, conferences and contested cases are handled appropriately, 105 (c) and 110 cases have been timely investigated and mine plan approvals are evaluated in a timely manner.

Performance Standard

Performance is satisfactory when:

A 5% reduction in FY10 from the average number of fatalities for FY2005 -- FY2009.

The status of citations issued is monitored for timeliness of abatement. Performance will be measured by the degree to which the District is able to terminate citations within the period established by policy for abatement, Hazard Condition Complaints are timely processed, conferences and contested cases are handled appropriately, 105 (c) and 110 cases have been timely investigated and mine plan approvals are evaluated in a timely manner. Progress will be measured by using a variety of reports.

Narrative

Result #2☐ Exceed ☒ Meet ☐ Need to Improve ☐ Fail

In support of the Secretary's Vision of Good Jobs for Everyone through Outcome Goal 2 – Securing safe and healthy workplaces, wages and overtime, particularly in high-risk industries and Outcome Goal 10 – Voice in the Workplace;

Demonstrates efforts toward the reduction of the fatalities and injuries in the Nation's Coal mines by using the MSHA Key Indicators and other reports to direct resources to monitor and improve enforcement performance and quality. Incumbent monitors MSHA Coal Key Indicator and other reports for performance results outside acceptable norms and averages for the Coal Districts' unique and distinct performance levels. Incumbent understand the effects of each District's geography and work load when determining acceptable average performance baselines.

Performance Standard

Performance is satisfactory when:

The incumbent demonstrates the use of the MSHA Key Indicators and other reports in the daily managerial decision-making process, demonstrates an understanding of the root causes for variances in monthly reporting, assigns responsibility for the variances, accounts for their occurrence and remedy where applicable and shares best practices with relevant MSHA employees. The incumbent must ensure that the completion rate of all ED1 inspections is 100%. Exception to this only may be granted if the incumbent can demonstrate supporting aberrations beyond the control of the incumbent's management ability that prevented 100% completion. The completion rate of all ED1 inspections at 100% will be for all coal mines nationwide.

Narrative

Result #3

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

In support of the Secretary's Vision of Good Jobs for Everyone through Outcome Goal 2 – Securing safe and healthy workplaces, wages and overtime, particularly in high-risk industries and Outcome Goal 10 – Voice in the Workplace;

Decrease by 2% per year from the previous year's actual performance or target, the percentage of dust and noise samples taken with results that are above the allowable limits.

Performance Standard

Performance is satisfactory when:

Focused inspections are used to target the most egregious and persistent violators; conduct special emphasis on Respirable coal mine dust and noise inspections in FY 2010; continually review noise controls in situations of continuing non-compliance to determine if all feasible noise controls have been applied; revise and improve coal mine dust-related inspections based on lessons learned in the "Dust Busters" effort; conduct quarterly reviews of sampling data; initiate systematic reviews of the quality of dust controls in approved mine ventilation and dust control plans during the six-month review of the plans to foster continuous improvement.

Narrative

Result #4

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

In support of the Secretary's Vision of Good Jobs for Everyone through Outcome Goal 2 -- Securing safe and healthy workplaces, wages and overtime, particularly in high-risk industries and Outcome Goal 10 -- Voice in the Workplace;

Use all available tools to reduce and/or eliminate the inconsistent enforcement of the Mine Act, MINER Act, and the deficiencies identified in accountability, district and PEER reviews.

Incumbent will monitor the Accountability reviews that have been conducted to ensure consistency in enforcing the law and review findings noted in such reviews and timely implement corrective actions.

Performance Standard

Performance is met when:

Mine visits are made; repeat audit findings are reduced or eliminated, personnel are trained as necessary, field activity and second level reviews are completed, deficiencies are timely addressed; there is consistency in citations/orders issued, Hazard Condition Complaints are processed following SOPs, conferences and contested cases are not modified or vacated at an unreasonable rate, 105 (c) and 110 cases have been investigated in accordance with the handbook, policies and procedures and mine plan approvals are evaluated accurately and thoroughly. Serves on or oversees employees who serve on rulemaking committees to assure timely promulgation of regulations listed in the Agency's semi-annual agenda affecting CMS&H

Narrative

Charles J. Thomas FY 2010

Performance Management Plan
Charles J. Thomas
Coal Mine Safety and Health, Deputy Administrator for Coal Mine Safety and Health
October 1, 2009- September 22nd, 2010

A. Leadership:

- 100% Completion of all mandated inspections
- Key Indicator "Citations 30+ day past due when terminated" improvement two years consecutive from 66 overdue in FY2008, decrease to 54 overdue in FY2009, and currently at all time low of 9 overdue FY2010 (See attachment). Deputy Administrator reviews these Key Indicators monthly and sends oversight e-mails to the DMs.

Onsite E01 enforcement time has increased in last two years from 65% to 66% FY2009 and is currently at 68% FY2010 and part of this is due to more CMIs and less trainees.

Vacates are down from 0.9% to 0.7% this FY is attributed to better oversight by supervisors and training in the field.

- Exceeded GPRA Goal of 7.63 % respirable dust overexposures, current percent is 6.45(See attachment)
- Meeting Noise GPRA of 3.94 % above standard at 2.54% above the standard.(See attachment)
- Made 11 mine visits in FY2010, and made one District Visit to D1 to meet with "Acting" sub-district Manager John Hendley
- Sought consensus on "Gilliam Impact Inspections" and organized inspectors from outside Districts to inspect in D5 and D6 and prepared powerpoint to present to corporate president and staff.

B. Resource Management:

- Coordinate with Terry Bentley on inspector details and I was in charge of supervisor, ADM, and DM details during FY2010.
- In concert with the Administrator and OAS, assist in the selection of the UBB AI and IR teams. Made many phone calls persuading employees to participate in these critical investigation and reviews.
- Provide oversight on Over Time and seek justification from DM when warranted and instruct very few DMs that job fairs are not acceptable reasons to work OT when prior planning could have prevented this OT.
- Assist purchasing agent order inspection equipment.
- Assist planning of one DM meeting with Steve Gigliotti while Melinda was on detail. Very successful meeting in Beckley.
- Inquire of root cause of accidents in the field to our inspectorate and share that information with DMs

Charles J. Thomas FY 2010

- Continue to carry out Administrators recommendation that specialist work 50% of available time dedicated to E01s and E02s.
- Spot E02 surface inspections are being conducted when mandated E01s are completed in select Districts.

C. Coalition Building and Communication:

- Met with UMW and four District Managers in Beckley to establish better communication and enforcement consistency.
- Met with UMW at Federal #2 in District 3 to improve workplace examinations and relationship between Industry, Labor, Union, and MSHA. Monthly meeting set up to foster this working relationship. First meeting is September 2010.
- Quarterly DM meeting are scheduled to disseminate information, policy, and regulation changes.
- Meet with the Administrator almost daily to share updates on issues, enforcement, and correspondence.
- Communicate and work well with PEIR, EFS, MNM, A&M, SOL, BCOA, UMW, NMA, and Congress.

D. Problem Solving and Initiative:

- Work with Districts to support the Dust Buster and respirable dust sampling program with very positive results through FY2010 Qtr 3. GPRA goal met as mentioned under leadership. Work with SOL to support new aggressive enforcement.
- Problems with Bowie Mine was brought to HQ attention. Made mine visit to assess conditions and eventually one MMU was abandoned and moved due to ventilation concerns and availability. Problem solving in D9 at Signal Peak, Bull Mountain and made mine visit with Mike Kalich to access LW ventilation that was switched from bleeder to bleederless to address CO problem. Problem was solved.
- Worked extensively with "Acting" DMs and new DM in District 8. Conducted one all employee meeting and one supervisor and manager meeting to provide oversight over all program area. Made mine visit to problematic Mach Mine. Witnessed marked improvement at this mine.
- Interview three candidates and recommended selection of D8 DM
- Interviewed four candidates and recommended selection of D2 DM
- Interviewed six candidates with Steve Gigliotti for DOS roof control specialist and recommended top three to him. Thirteen (13) interviews involving Gigliotti, Gates, and Bentley.

Initiative

- Initiative:
Made 11 mine visits, Two (2) CMI class orientation speeches, Seminars, and District visits to the following: (See attachment)

E. Equal Employment Opportunity

- Two DMs are members of Regional Executive Committee and actively recruit minorities. Gates in Atlanta and Light in Philadelphia.
- Ethics and professionalism are taught for all supervisors and above.
- Attended Diversity Training at DOL

#6. Reductions in Fatality Injury Incidence Rates, All Injury Incidence Rates, Monitor Health and Safety Programs

All Injury Incidence rates, including timely citation/order terminations, processing of hazard complaints, and 110 cases. Hazard complaints and reported accidents are closely monitored for timeliness, responsiveness, and quality.

The incumbent has continued striving to reduce fatality rates and accident injury rates. I review and comment on Congressional inquiry response letters and memorandums, directives; PILs, PPLs, PIBS, portions of handbooks, policy manuals, accident emphasis information, and related correspondence. At direction of OAS, Because of the UBB accident, an Agency decision was made to devote additional emphasis on additional mines where there was a potential for explosions to occur due to ventilation, rock dusting, or compliance issues. Monitored progress and provided follow up info and updates to top staff and Agency personnel.

Was involved in several briefings/discussions with RSOL/SOL regarding recommendations related to accident investigations, enforcement actions or proposed violations, or violations in contest, where RSOL/SOL was not in agreement with Coal's positions.

#7. Using Key Indicators and Other Reports to Direct Resources

Utilizes the Key Indicators and other Program or Agency reports regularly to manage District program areas for quality and performance. He has an established working knowledge of district geographical boundaries, conditions, and variances with regard to district performance. He has greatly assisted the districts to assure that 100% inspection completion

Charles J. Thomas FY 2010

rates are accomplished Nationwide by balancing both inspector resources and supervisors and managers and assigning them as necessary. I stay in contact with Fred Menke and maintain an awareness of inspection completion rates and hurdles or events which would impede the inspection completions. Significantly, while Coal still completed 100% of the mandated regular inspections during the past year, the average hours for an inspection increased by over 12 hours. Also, the number of 104(d) issuances increased by approximately 400 in the past Fiscal Year. Inspection enforcement, presence, and coverage have increased while 100% of inspection completions have still been achieved.

Key Indicators are used for improving enforcement consistency and Managers are regularly e-mailed to investigate and improve indicators of concern.

#8. Decrease Respirable Dust and Noise Levels

Respirable dust goals were greatly exceeded. The goal was 7.63 % of MSHA sample overexposures and this goal was exceeded at 6.45% of samples greater than the established standard.

Deputy has stayed abreast of the rule making and offered support to the DOH concerning Dust Busters and problematic operators/MMUs.

#9 Decrease noise overexposures

(Results will be available early November 2010)

Meeting Noise GPRA of 3.94 % above standard at 2.54% above the standard.(See attachment)

Charles J. Thomas FY 2010

#10 Monitor Accountability Reviews for Enforcement Consistency

Reviews both Key Indicators and Accountability Audit Reports for enforcement consistency. When visiting the Districts, accountability corrective actions are monitored for effectiveness.

Dates	Purpose
10/5/09-10/6/09	Appraisals in Districts 3 & 4
10/19/09-10/23/09	Saturation Inspections in <u>DISTRICT 5</u> and MEU Dinner at the Academy
11/16/09-11/20/09	Managers' Meeting at the Academy
12/1/09-12/2/09	R.Gilliam Meeting In Charlottesville, VA
12/7/09-12/7/09	Black Lung Campaign, Washington, PA
12/14/09-12/18/09	DISTRICT 8 & DISTRICT 10 Mine Visits
1/19/10-1/20/10	CMI Orientation Class 80, Beckley, WV
2/7/10-2/11/10	Fatalities Prevention/Mine Visits DISTRICT 9 Longview, Elgin and Austin, Texas
3/3/10-3/5/10	MSHA/UMWA Communication Meeting at the Academy
3/21/10-3/22/10	MTTC Training Center, Morgantown-Ruff Creek, PA
4/12/10 - 4/14/10	BLM Meeting
5/10/10-5/13/10	Managers' Meeting at the Academy
5/19/10-5/21/10	Mine Visit in DISTRICT 7
6/22/10-6/26/10	DISTRICT 9 Mine Visits, Billings, Montana
7/19/10-7/22/10	CMI Orientation Class 81, Beckley, WV and District 1 Visit
8/17/10-8/20/10	DISTRICT 8 Mach Mine Visit and D8 Meeting
9/8/10-9/10/10	DISTRICT 3 Federal #2 Mine Visit and D3 Meeting

F 2011 Performance Management Agreement for Executives

FILE COPY

A. Employee Data	
1. Executive Name (last, first, middle) Thomas, Charles J.	2. Organization MSHA, CMS&H
3. Title, Series, Grade Deputy Administrator, ES 0340	4. Appraisal Period (mm/dd/yyyy) 11-23-10 to 09/30/2011

B. Performance Development (Responsibilities and Work Commitments)	
The signatures below acknowledge joint development and understanding of the Performance Competencies and Commitments	
1a. I discussed this plan with employee. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 1b. Employee written comments are attached. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
2a. This Agreement links all critical statements to specific Agency Operational Plan goals <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
2b. This Agreement holds the executive accountable for measurable and observable results <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
3. Signature of the Rating Official <i>[Signature]</i>	Date (mm/dd/yyyy) 11/23/2010
4. Signature of the Executive <i>Charles J. Thomas</i>	Date (mm/dd/yyyy) 12/14/2010

C. Performance Review (Mid-Year)	
A mandatory progress review of the expectations set forth in Section A (generally occurring midway through the evaluation period) has been conducted by the Rating Official	
1. Mid-term progress review has been conducted <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, Explain (attach sheet if more room required):	
3. Signature of the Rating Official <i>[Signature]</i>	Date (mm/dd/yyyy) 4/14/2011
4. Signature of the Executive <i>Charles J. Thomas</i>	Date (mm/dd/yyyy) 4/14/2011

D. Performance Evaluation	
Send the Results to be rated under each element, and then select the appropriate rating. Element ratings: E = Exceeded; M = Meets; NI = Needs Improvement; F = Falls	
1. Managerial Competency Elements	2. Organizational Performance Elements
Use Worksheet-Attachment 1)	
Leadership	<input checked="" type="checkbox"/> Result 1
Resource Management	<input checked="" type="checkbox"/> Result 2
Summary Score:	<input checked="" type="checkbox"/> Result 3
	<input checked="" type="checkbox"/> Result 4
	<input checked="" type="checkbox"/> Result 5
	Summary Score:

3. Rating Derivation Formula	
Exemplary	Exceed standards for all elements.
Highly Effective	Exceed standards for at least three of the Organizational Performance Elements and at least one Managerial Competency element and meet standards for all other elements.
Effective	Meet standards for all elements but does not meet the criteria for Highly Effective
Minimally Satisfactory	Need to improve performance for one or more elements
Unsatisfactory	Fails to meet standards on one or more elements

E. Annual Performance Review and Rating			
The signatures below acknowledge the conducting and receipt of a rating of record by the Rating Official for the Executive			
1. Indicate performance appraisal rating <input type="checkbox"/> Exemplary <input checked="" type="checkbox"/> Highly Effective <input type="checkbox"/> Effective <input type="checkbox"/> Minimally Satisfactory <input type="checkbox"/> Unsatisfactory			
2. Purpose of Appraisal <input type="checkbox"/> Interim Rating <input checked="" type="checkbox"/> Rating of Record			
3a. We have discussed this appraisal <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		3b. Written comments are attached <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3c. Executive would like to request a high-level review <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
4. Signature of the Executive <i>Charles J. Thomas</i>		Date (mm/dd/yyyy) 12/14/2011	
5a. Rating Official Name (Last, first, middle) <i>Kevin G. [Signature]</i>		5b. Signature of the Rating Official <i>[Signature]</i>	
6a. Reviewing Official Name (Last, first, middle) <i>[Signature]</i>		6b. Signature of the Reviewing Official <i>[Signature]</i>	
7. Signatory of the Performance Review Board <i>[Signature]</i>		8. Signature of the Secretary <i>[Signature]</i>	
Date (mm/dd/yyyy) JAN 17 2012		Date (mm/dd/yyyy) JAN 17 2012	

2. Results Target (i.e. how much, how many) written at the "Meets" level, the result:
The incumbent demonstrates the use of the h...rIA Key Indicators and other reports in the daily managerial decision-making process, demonstrates an understanding of the root causes for variances in monthly reporting, assigns responsibility for the variances, accounts for their occurrence and remedy where applicable and shares best practices with relevant MSHA employees. The incumbent must ensure that the completion rate of all EOI inspections is 100%. Exception to this only may be granted if the incumbent can demonstrate supporting aberrations beyond the control of the incumbent's management ability that prevented 100% completion. The completion rate of all EOI inspections at 100% will be for all coal mines nationwide.

3. Measure of Outcome (i.e. # of reports, policy/program initiatives, etc.) expressed as a "source of measurement data":

100% completion of mandated inspections.

4. Timeframe (i.e. by when, once, quarterly, bi-annually)

Quarterly

5. Links to Operational Plan:

Goals #1, 3, and 6

6. Narrative (one page limit)

See Attachment

Performance Element Result #3

1. Specific Outcome (the result):

Decreases by 2% per year from the previous year's actual performance or target, the percentage of dust and noise samples taken with results that are above the allowable limits.

2. Results Target (i.e. how much, how many) written at the "Meets" level, the result:

Focused inspections are used to target the most egregious and persistent violations; conduct special emphasis respirable coal mine dust and noise inspections in FY 2011; continually review noise controls in situations of continuing non-compliance to determine if all feasible noise controls have been applied; revise and improve coal mine dust-related inspections based on lessons learned in the "Dust Buster" effort; conduct quarterly reviews of sampling data; initiate systematic reviews of the quality of dust controls in approved mine ventilation and dust control plans during the six-month review of the plans to foster continuous improvement.

3. Measure of Outcome (i.e. # of reports, policy/program initiatives, etc.) expressed as a "source of measurement data":

Progress will be measured by using a variety of reports, e.g. quarterly account of dust buster inspections and weekly review of respirable dust and noise overexposures.

4. Timeframe (i.e. by when, once, quarterly, bi-annually)

Results are on an annual basis; however, review is monitored regularly

5. Links to Operational Plan:

Goal #3

6. Narrative (one page limit)

See Attachment

Performance Element Result #4

1. Specific Outcome (the result):

Use all available tools to reduce and/or eliminate the inconsistent enforcement of the Mine Act, MINER Act, and the deficiencies identified in accountability, district and FEER reviews; monitor the Accountability reviews that have been conducted to ensure consistency in enforcing the law, review findings noted and timely implement corrective actions; oversee the Agency's renewed commitment to Open Government primarily through the administration of Freedom of Information Act requirements; provide the necessary leadership and resources to demonstrate the Agency's commitment to miners' voice in the workplace; and supports DOL's Continuity of Operations (COOP) activities.

2. Results Target (i.e. how much, how many) written at the "Meets" level, the result:

Required Mine visits are made; repeat audit findings are reduced or eliminated, personnel are trained as necessary, field activity and second level reviews are completed, deficiencies are timely addressed; there is consistency in citations/orders issued, Hazard Condition Complaints are processed following SOPs, conferences and contested cases are not modified or vacated at an unreasonable rate; 105(e) and 110 cases have been investigated in accordance with the handbook, policies and procedures and mine plan approvals are evaluated accurately and thoroughly. Provides the necessary leadership and resources to ensure openness, transparency and timely disclosure when responding to all Freedom of Information Act requests. Strategies and initiatives support the Agency's commitment in assuring that miners are free to exercise their legal right to identify hazardous conditions and request Agency inspections without discrimination by overseeing the programs designed to empower miners to request and receive appropriate Agency response and protection. Provide liaison support to and coordination with the DOL for Continuity of Operations (COOP) activities, and provide executive leadership by assigning appropriate resources for COP implementation within the Agency. Serves on or oversees employees who serve on rulemaking committees to assure timely promulgation of regulations listed in the Agency's semi-annual agenda affecting CMS&H, CMI Training and retraining obligations are met.

3. Measure of Outcome (i.e. # of reports, policy/program initiatives, etc.) expressed as a "source of measurement data":

Progress will be measured by using a variety of reports, e.g. mine visit log, hazardous condition complaints received, investigation and findings, FOIA-overview report, number of trainees graduating and AR's who have completed their retraining obligations

4. Timeframe (i.e. by when, once, quarterly, bi-annually)

Results are measured annually; however, progress is monitored on a regular/recurring basis.

5. Links to Operational Plan:

Goals #2, 5, and 7

F. Managerial Competency Elements

Performance Standards for Leadership

- Result 1: Develops and maintains long and short-term strategic planning to facilitate the achievement of the Agency's mission and to improve performance consistent with key organizational policies and priorities and economic, political, and social trends affecting the organization.
- Result 2: Stresses innovation, creativity, and risk-taking. Analyzes problems and develops alternative solutions, emphasizing new approaches. Takes calculated risks to move programs forward.
- Result 3: Effectively represents the Department and the organization internally and/or externally. Actively engages the cooperation of internal and external stakeholders in working on common tasks or group projects; shares work and decision-making with others.
- Result 4: Promotes and maintains a diverse and inclusive workforce. Actively recruits and hires from diverse applicant pools. Fosters collaboration with individuals from diverse backgrounds, perspectives, and experiences. Ensures that opportunities for growth exist equitably for all employees. Provides fair and equitable recognition of accomplishments for all employees.
- Result 5: Anticipates and meets the needs of clients/customers to provide better service. Sets standards for customer needs and satisfaction, and meets them. Uses effective business practices including balanced measures that consider customer, stakeholder, and employee perspectives.
- Result 6: Displays an attitude that accepts mistakes as part of the developmental process, as the organization works to achieve results that promote innovation, efficiency, and greater effectiveness.
- Result 7: Promotes integrity and adheres to the highest ethical standards of public service.

Performance Standards for Resource Management

- Result 1: Understands the organization's financial processes. Prepares, justifies, and administers the program budget. Oversees procurement and contracting to achieve desired results. Monitors expenditures and uses cost-benefit thinking to set priorities. Develops and implements strategies to reduce erroneous and late payments, prevent Anti-deficiency Act violations, and ensure adequate management controls.
- Result 2: Builds, trains, and manages workforce based on organizational goals, budget considerations, and staffing needs. Ensures continuing application of, and compliance with, applicable Equal Employment Opportunity (EEO) laws, regulations, and policies. Promptly addresses allegations of prohibited discrimination, harassment, and retaliation. Ensures that EEO principles are adhered to throughout the organization.
- Result 3: Understands the impact of technological developments on the organization. Makes effective use of technology to achieve results. Ensures access to and security of technology systems.
- Result 4: Links individual performance requirements to key organizational goals. Incorporates organizational performance results into decisions about individual performance ratings and recognition. Makes meaningful distinctions between levels of performance in ratings and recognizing subordinate performance.
- Result 5: Promotes an open, communicative environment that inspires and encourages service motivation, spirit, pride, and trust. Facilitates cooperation and motivates individual staff members/teams to accomplish organizational goals. Manages and resolves conflicts in a positive and constructive manner.
- Result 6: Prevents staff from working unauthorized overtime hours by consistently applying Fair Labor Standards Act (FLSA) and DOL policy regarding overtime, maintaining an awareness of staff hours worked and organizational goals accomplished, and ensuring staff are knowledgeable of how FLSA designation impacts overtime eligibility and authorization.
- Result 7: Actively recruits to attract and select qualified applicants with the competencies needed by embracing the use of available hiring flexibilities, developing robust recruitment strategies, and maximizing the use of technology. Applies merit principles to develop, select, and manage a diverse workforce.

G. Organizational Performance Elements

Provide Organizational Performance Elements that demonstrate direct linkage with your agency's Operational Plan.

This section should include the major results to be achieved during the period covered by the performance agreement.

SAMPLE ORGANIZATIONAL PERFORMANCE ELEMENT:

(Outcome) Publish updated policy # XXXX on DOL representatives contact with mine employees. (Measure) report updates all pertinent portions of existing policy (Timeframe) by mid-year 04/30/11. Measure or source of data to determine "Meets" is the number of pertinent portions of xyz policy.

Performance Element Result #1

1. Specific Outcome (the result):

Reduce the mining fatality injury and all injury incidence rate. Monitor mine safety and health program area to ensure that citations/orders are timely terminated, Hazard Condition Complaints are timely processed, conferences and contested cases are handled appropriately, 105 (c) and 110 cases have been timely investigated and mine plan approvals are evaluated in a timely manner.

2. Results Target (i.e. how much, how many) written at the "Meets" level, the result:

A 5% reduction in FY11 from the average number of fatalities for FY2005 - FY2010. The status of citations issued is monitored for timeliness of abatement. Performance will be measured by the degree to which the District is able to terminate citations within the period established by policy for abatement, Hazard Condition Complaints are timely processed, conferences and contested cases are handled appropriately, 105(c) and 110 cases have been timely investigated and mine plan approvals are evaluated in a timely manner.

3. Measure of Outcome (i.e. # of reports, policy/program initiatives, etc.) expressed as a "source of measurement data":

Progress will be measured by using a variety of reports, e.g. fatality injury and all injury incident rates, reports indicating citations 30-days past due, Hazardous condition complaints received, investigated and findings, backlog of contested cases, status of investigations of 105(c) and 110 complaints.

4. Timeframe (i.e. by when, once, quarterly, bi-annually)

Results are on an annual basis; however, review is monitored on a regular basis

5. Links to Operational Plan:

Goals #1 and 5

8. Narrative (one page limit)

See PM admet

Performance Element Result #2

1. Specific Outcome (the result):

Reduces fatalities and injuries in the Nation's Coal mines by using the MSHA Key Indicators and other reports to direct resources to monitor and improve enforcement performance and quality. Incumbent monitors MSHA Coal Key Indicator and other reports for performance results outside the acceptable norms and averages for the Coal Districts' unique and distinct performance levels. Incumbent understands the effects of each District's geography and work load when determining acceptable average performance baselines. Petitions for Modification are processed.

2011 RATING JUSTIFICATION DOCUMENT

Charles J. Thomas

Charles J. Thomas' Highly Effective Performance is in support of the Department of Labor's, MSHA's mission to prevent death and disease and injury from mining, as defined by the Agency's outcome goals and strategies, (Aligns with FY 2011 Operating Plan section entitled Outcome Goals: Strategic, Long-term, and Short-term, See pages 1-19).

Mr. Thomas as the "second-in-command" of the largest program area in MSHA, was a driving force in Coal meeting the 2011 Operating Plan goals. Mr. Thomas was fully engaged in the overall leadership, operation, and management of the Coal Program.

Through his exceptional leadership the efforts and achievements of Coal Mine Safety and Health speak for themselves. He not only met the goals of the 2011 Operating Plan by reaching 100% completion of mandated inspection and high hazard impoundments but he also met the goal set for impact and respirable coal dust inspections.

Mr. Thomas proved his exemplary performance by continuing to work across Program Areas in his efforts to improve his own. Mr. Thomas was in constant contact with A&M regarding hiring and budget management and on several occasions he met with the NCFLL. He and EPD have worked to ensure CMI entry-level classes could be scheduled to match the pace of hiring, that adequate retraining classes were being offered to ensure his journeymen enforcement personnel could be trained, ensured and that there was adequate space and time to conduct Field Office Supervisor training. He also spoke to several entry level inspector classes to ensure a positive start to their careers. He relied upon Technical Support on many occasions to collaboratively author many directives affecting the health and safety of the mining community, ensured that as the National Air and Dust lab moved from Coal to Technical Support that personnel and funding would be handed over as well to ensure the continued success of the lab and finally had to utmost confidence in the Mine Emergency Division to train our Mine Emergency Members. Mr. Thomas continued to provide personnel to assist, guide, and advise PEIR on matters affecting the databases and systems that could affect his Program Area. He worked with the Assessments Office to ensure that PPOV mines were notified and monitored and that allegations of miners' rights infractions were investigated. He worked collaboratively with Metal Nonmetal to ensure that where enforcement issues could be addressed consistently they were, he and the Administrator for MNM work closely to assist each other in times of need with the sole intention of the protection of the miner.

TAB 3
ATTACHMENT 1: FY2011 WORKSHEET
Senior Executive Evaluation Guidance for Managerial Competency Elements

Managerial Competency Element: Leadership

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	Result 1: Develops and maintains long and short-term strategic planning to facilitate the achievement of the Agency's mission and to improve performance consistent with key organizational policies and priorities and economic, political, and social trends affecting the organization.	Strategic Planning Support for Leadership Organizational Performance	<ul style="list-style-type: none"> • Demonstrates extensive awareness and understanding of the Department's mission and strategic vision. • Actively works to develop and/or implement forward-looking strategic plans that maximize the Agency's ability to achieve its objectives. • Employs innovative uses of Agency resources and technologies to meet performance indicators under its strategic plan. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Can effectively communicate and manage the implementation of results-oriented strategic plans to achieve the Agency's goals. • Demonstrates an understanding of the Agency's performance indicators. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Result 2: Stresses innovation, creativity, and risk-taking. <ul style="list-style-type: none"> • Analyzes problems and develops alternative solutions, emphasizing new approaches. • Takes calculated risks to move programs forward. 	Innovation & Risk	<ul style="list-style-type: none"> • Clearly demonstrates initiative and ability to explore and create alternative solutions to problems. • Encourages, promotes, and supports innovative strategies among subordinates. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • An effective problem solver. • Recognizes innovation. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Result 3: Effectively represents the Department and the organization internally and/or externally. <ul style="list-style-type: none"> • Actively engages the cooperation of internal and external stakeholders in working on common tasks or group projects; shares work and decision-making with others. 	Internal & External Relations	<ul style="list-style-type: none"> • Serves as an effective, reliable, and persuasive representative of the agency and Department of Labor on virtually all matters internal and external to the agency. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Serves as an effective representative of his/her immediate agency/office. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

N/R = Not Rated

TAB 3
ATTACHMENT 1: FY2011 WORKSHEET
Senior Executive Evaluation Guidance for Managerial Competency Elements

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	<p>Result 4: Promotes and maintains a diverse and inclusive workforce.</p> <ul style="list-style-type: none"> Actively recruits and hires from diverse applicant pools. Fosters collaboration with individuals from diverse backgrounds, perspectives, and experience. Ensures that opportunities for growth exist equitably for all employees. Provides fair and equitable recognition of accomplishments for all employees. 	Diversity	<ul style="list-style-type: none"> Promotes and manages an inclusive workforce by championing diversity as a value in all aspects of the agency. Practices effective recruitment efforts to increase the pool of quality candidates from underrepresented groups. Promotes diversity at all grade levels. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Takes diversity into account while ensuring fair and nondiscriminatory recruitment, hiring, promotion and recognition. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<p>Result 5: Anticipates and meets the needs of clients/customers to provide better service.</p> <ul style="list-style-type: none"> Sets standards for customer needs and satisfaction, and meets them. Uses effective business practices including balanced measures that consider customer, stakeholder, and employee perspectives. 	Customer Service	<ul style="list-style-type: none"> Provides the highest quality service to Agency customers, stakeholders, and employees by anticipating, addressing, and proactively managing current and future needs. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Consistently anticipates and meets customers' needs and satisfies standards for effective customer service. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<p>Result 6: Displays an attitude that accepts mistakes as part of the developmental process, as the organization works to achieve results that promote innovation, efficiency, and greater effectiveness.</p>	Innovation & Risk	<ul style="list-style-type: none"> Engenders a culture that encourages employees to take calculated risks to improve performance. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Accepts employees' reasonable mistakes as part of the development process. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

N/R = Not Rated

TAB 3
ATTACHMENT 1: FY2011 WORKSHEET

Senior Executive Evaluation Guidance for Managerial Competency Elements

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	Result 7: Promotes integrity and adheres to the highest ethical standards of public service.	Ethics	<ul style="list-style-type: none"> Acts as a model of integrity personally and establishes an organizational culture that sets expectations of the highest ethical standards of public service among subordinate staff. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Adheres personally to the highest ethical standards of public service and encourages ethical behavior among subordinate staff. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Score for Leadership			Exceed	Meet	NI	F

N/R = Not Rated

TAB 3
ATTACHMENT 1: FY2011 WORKSHEET
Senior Executive Evaluation Guidance for Managerial Competency Elements
Managerial Competency Element: Resource Management

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	<p>Result 1: Understands the organization's financial processes.</p> <ul style="list-style-type: none"> • Prepares, justifies, and administers the program budget. • Oversees procurement and contracting to achieve desired results. • Monitors expenditures and uses cost-benefit thinking to set priorities. • Develops and implements strategies to reduce erroneous and late payments, prevent Anti-deficiency Act violations, and ensure adequate management controls. 	Financial Management	<ul style="list-style-type: none"> • Displays an exceptional level of awareness and concern for agency expenditures and financial priorities. • Through teamwork and institutional knowledge, leverages agency resources to achieve maximum results. • Engages in the identification of cost saving strategies and efficiencies. <input checked="" type="checkbox"/> 	<ul style="list-style-type: none"> • Manages agency resources through the utilization and administration of appropriate budget processes and requirements. • Makes decisions based on the agency's financial priorities and expenditures. <input type="checkbox"/> 	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<p>Result 2: Builds, trains, and manages workforce based on organizational goals, budget considerations, and staffing needs.</p> <ul style="list-style-type: none"> • Ensures continuing application of, and compliance with, applicable Equal Employment Opportunity (EEO) laws, regulations, and policies. • Promptly addresses allegations of prohibited discrimination, harassment, and retaliation. Ensures that EEO principles are adhered to throughout the organization. 	Talent Management Diversity	<ul style="list-style-type: none"> • Displays the highest commitment to the identification and/or recruitment, development, promotion and retention of diverse and talented individuals to build leadership capacity throughout the agency. • Is an active mentor and gives clear and actionable feedback to subordinates. • Upholds EEO principles. • Actively encourages and participates in succession planning. <input type="checkbox"/> 	<ul style="list-style-type: none"> • Manages the workforce to meet the needs of the agency by taking into account EEO principles, succession planning, diversity, recruitment, and training. <input checked="" type="checkbox"/> 	<input type="checkbox"/>	<input type="checkbox"/>

N/R = Not Rated

TAB 3
ATTACHMENT 1: FY2011 WORKSHEET
Senior Executive Evaluation Guidance for Managerial Competency Elements

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	<p>Result 3: Understands the impact of technological developments on the organization.</p> <ul style="list-style-type: none"> Makes effective use of technology to achieve results. Ensures access to and security of technology systems. 	Technology & Modernization	<ul style="list-style-type: none"> Identifies and creatively utilizes current and new technologies to maximize the agency's ability to achieve its priorities. Encourages the use of technology to share information and engage stakeholders. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Appropriately utilizes and upgrades technologies to meet agency goals. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<p>Result 4: Links individual performance requirements to key organizational goals.</p> <ul style="list-style-type: none"> Incorporates organizational performance results into decisions about individual performance ratings and recognition. Makes meaningful distinctions between levels of performance in ratings and recognizing subordinate performance. 	<p>Leadership Support Reward & Recognition Teamwork Individual Performance</p>	<ul style="list-style-type: none"> Shares recognition and routinely rewards colleagues' accomplishments. Repeatedly demonstrates an ability to link individual with Departmental and agency performance requirements. Effectively uses agency and interagency teams to achieve agency outcomes. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Provides opportunities for individual and team development. Appropriately uses available performance, reward and recognition systems. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<p>Result 5: Promotes an open, communicative environment that inspires and encourages service motivation, spirit, pride, and trust.</p> <ul style="list-style-type: none"> Facilitates cooperation and motivates individual staff members/teams to accomplish organizational goals. Manages and resolves conflicts in a positive and constructive manner. 	Communication & Morale	<ul style="list-style-type: none"> Sets an example of accessibility and transparency. Fosters and reinforces a collaborative and engaged environment that inspires and encourages service, motivation, spirit, pride and trust. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Manages an open, communicative environment that serves the agency's mission. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

N/R = Not Rated

TAB 3
ATTACHMENT 1: FY2011 WORKSHEET
Senior Executive Evaluation Guidance for Managerial Competency Elements

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	Result 6: Prevents staff from working unauthorized overtime hours by consistently applying Fair Labor Standards Act (FLSA) and DOL policy regarding overtime, maintaining an awareness of staff hours worked and organizational goals accomplished, and ensuring staff are knowledgeable of how FLSA designation impacts overtime eligibility and authorization.	Fair Labor Standards Act	<ul style="list-style-type: none"> In addition, develops and implements strategies that reliably document compliance with FLSA, supplemented by an awareness of staff hours worked to corroborate the effectiveness of these controls. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Makes the Fair Labor Standards Act (FLSA) and DOL policy available to employees and management. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Result 7: Actively recruits to attract and select qualified applicants with the competencies needed by embracing the use of available hiring flexibilities, developing robust recruitment strategies, and maximizing the use of technology. Applies merit principles to develop, select, and manage a diverse workforce.	Hiring/Diversity	<ul style="list-style-type: none"> Manages this with an acute understanding of available hiring flexibilities and utilizes them in order to attract and select qualified applicants. Sets and meets hiring goals to maintain strength and reduce lapsed FTE. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Applies merit principles to develop, select, and manage a diverse workforce. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Score for Resource Management			Exceed	Meet	NI	F
Summary Score for Managerial Competency			Exceed	Meet	NI	F

N/R = Not Rated

Summary Justification

Charles J. Thomas is receiving a Highly Effective rating. Mr. Thomas is receiving this rating based on the following information:

Total 6 of elements:
5 elements are exceeded
1 element is met

Narrative
Charles J. Thomas
Appraisal Period 10/01/2010 – 09/30/2011
Rating of Record: _____

Managerial Competency Element 1: Leadership

Throughout this rating period, Mr. Thomas has provided leadership and corporate direction to the nearly 1,200 Coal Mine Safety and Health employees at the Headquarters in Arlington, Virginia and to the 12 Districts and 43 field offices across the entire United States. His exemplary leadership skills have inspired the cooperation and confidence of Coal Mine Safety and Health employees throughout the entire organization to produce optimal results and dedication to the mission. His efforts and leadership demonstrated his extensive awareness and understanding of the Department's mission and strategic vision.

- **Result 1: Long and Short-term Strategic Planning.** Mr. Thomas employed innovative uses of Agency resources and technologies to meet performance indicators under its strategic plan by empowering each of his HQ Divisions to continue to attack problems and/or negative trends; including areas such as Safety, Health, internal Administrative areas and taking the steps necessary to ensure that all workers were treated fairly utilizing the necessary steps to ensure that our workforce was able to meet the physical requirements needed to perform enforcement activities.
- **Result 2: Stresses Innovation, Creativity and Risk-Taking.** Mr. Thomas clearly demonstrated initiative and ability to explore and create alternative solutions to problems by encouraging and empowering but not micro-managing his Managers to be creative with their efforts to manage their programs, e.g. developing slogans for Winter Alert, stickers for the Coal Miners emphasizing various hazards, developing and disseminating safety and health flyers, etc...; giving numerous personnel opportunities to "act" or be temporarily promoted into positions outside their area as a result of a drain on resources; and supporting other program areas' initiatives such as the completion of the transfer of the National Air and Dust lab functions from CSMH to Technical Support.
- **Result 3: Represents the Department Internally and Externally.** Mr. Thomas has been involved in new inspector orientation and District Stakeholder meetings at both Federal #2 Mine and at District 7; and prepared briefing material on tracking and communication for both the Administrator and the Assistant Secretary.
- **Result 4: Diverse Workforce.** Mr. Thomas practiced effective recruitment efforts to increase the pool of quality candidates as well as supported Coal's efforts in accommodating employees when it did not affect the mission.
- **Result 5: Provide Better Service to Clients and Customers.** Mr. Thomas provided the highest quality service to Agency customers, stakeholders, or conducting speaking engagements including Coal inspector orientations and graduations, various Coal retraining classes; the governor of WV, and various coal companies; and dealing with internal issues.
- **Result 6: Accepts Mistakes as Development Process.** Mr. Thomas accepts a culture that encourages employees to take calculated risks to improve performance. He has interviewed and hired six (6) new District Managers in the last 24 months.
- **Result 7: Integrity and Ethics.** Mr. Thomas demonstrated integrity and adheres to the highest ethical standards and by holding his employees to a high level of standards. Reacting quickly but fairly to remedy behavior and performance issues from his top managers to first level employees.

The manager 4/4/11 this competency.

Managerial Competency Element 2: Resource Management

Mr. Thomas has displayed an exceptional level of awareness and concern for agency expenditures and financial priorities. He consistently provided guidance and support to the districts and headquarters staff in effectively managing budgetary resources.

- **Result 1: Financial Management.** Mr. Thomas managed a budget of approx \$160 million whereby 76% is attributed to payroll, 17% to overhead, and 10% to recurring costs leaving CSMH about 0.6% to deal with unplanned purchases. CSMH ended the FY at about \$350k in the red which is exceptional considering the on-going UBB investigation. Budget meetings were held between coal staff and MSHA's Budget Officer to ensure a transparent operation.

- **Result 2: Talent Management.** Mr. Thomas displayed the highest commitment to the identification and/or recruitment, development, promotion and retention of diverse and talented individuals to build leadership capacity throughout the agency by offering current employees the opportunity to act in vacant positions to promote talent and growth. Due to the UBB investigations and attrition at the end of the FY, CSMH had approximately 30 - 35 personnel detailed or temporarily promoted into different positions. In FY 11 CSMH conducted 12 testing sessions in 8 of the 12 districts; he ensured that a variety of enforcement retraining classes was made available and attended by personnel holding authorized representative (AR) cards; and provided training for the Coal Field Office Supervisors to specifically target their needs. Mr. Thomas often call the supervisor directly over the CMI that an AR card is requested and has first hand information if the trainee is ready to conduct inspections of underground and surface mines.

- **Result 3: Technology and Modernization.** Mr. Thomas identified and creatively utilized current and new technologies to maximize the agency's ability to achieve it priorities by participating in the Rules to Live By II training and continuing to develop in house solutions in order to better track data.

- **Result 4: Leadership Support, Reward & Recognition, Teamwork, Individual Performance.** Mr. Thomas repeatedly demonstrated ability to link individuals with Departmental and Agency performance requirements by allowing districts to reward employees through performance and instant good job awards and recognizing personnel through the Secretary's Honor Award Program.

Mr. Thomas also fostered and reinforced a collaborative and engaged environment that inspired and encouraged service, motivation, spirit, pride, and trust by practicing an open door policy and brainstorming sessions empowering employees to share ideas; developed a climate of motivation, participation and opportunities for employee initiative; immediately and effectively investigated and addressed complaints filed whether it be anonymous, mine operators or other employees through using internal personnel and/or internal departments to maintain integrity of investigation and to ensure fair and unbiased decisions; personally served as mediator on EEO complaints in an attempt to resolve issue before they proceeded to next step; routinely held conference calls with District personnel to encourage and promote their efforts in support of the Agency's mission and recognizing, reacting and implementing a remedy with respect to conduct or performance related issues. **Result 6: FLSA Requirement.** Mr. Stricklin consistently applied FLSA and DOL policy regarding overtime by ensuring his management personnel were aware of FLSA and how it impacted overtime eligibility and authorization.

- **Result 6: Recruits Qualified Applicants.** Mr. Thomas managed with an acute understanding of available hiring flexibilities and utilized them in order to attract and select qualified applicants by actively supporting efforts in the diversity hiring and the Federal Inspector Hiring program.

The manager MT this competency.

Organization Element Result #1: Reduce the mining fatality injury and all injury incidence rate. Monitor mine safety and health program areas to ensure that citations/orders are timely terminated, Hazard Condition Complaints are timely processed, conferences and contested cases are handled appropriately, 105 (c) and 110 cases have been timely investigated and mine plan approvals are evaluated in a timely manner.

Fatal Injury Incidence Rate:

FY 2011 Target: .0404

FY 2011 Result: .0113 through 3rd qtr

All Injury Incidence Rate:

FY 2011 Target: 3.28

FY 2011 Result: 3.28 through 3rd qtr

- Coal received approximately 1,179 hazardous condition complaints during FY2011. A final decision had been reached for 1,128 of those complaints, approximately 334 (30%) of which were positive findings.
- CMSH initiated and has continued to conduct "impact inspections". Coal selected mines that would represent potential explosion hazards. Through 11 months of the FY, CMSH conducted 129 impact inspections. In FY11, these inspections resulted in 2,082 citations, 176 Orders, 10 Safeguards with an average S&S rate of 46.42%;
- There were over 19,000 events opened and over 93,000 citations and orders issued.
- CMSH is on a record setting pace for lowest fatalities;
- Ensured maximum use of resources despite at one time over 40 details and temporary promotion ongoing due to UBB and attrition;
- 3 entry level inspector training classes were started in FY11 and 4 classes graduated;
- 13 mines received notice of Potential Pattern of Violation (PPOV), 2 were placed back on a PPOV status after concluding their compliance levels fell to unacceptable levels, and 2 coal mining operations were placed on POV – a first in the history of the Mine Act;
- For the first time, MSHA/CMSH filed with the US District Court a motion for preliminary injunction (section 108(a)(2)) of the Mine Act against Freedom Energy located in KY;
- Key Indicator reports were utilized as a management tool;
- Achieved 100% completion of the mandatory safety and health inspections;
- The split of District 4 creating District 12 became a reality in May of 2011;
- Issued safety alerts, safety flyers, fatality alerts, and various materials to distribute to coal miners such as alerts regarding Communication and Tracking Distress Features and Storm Run Off and Mine Water Accumulations;
- Reviewed, along with his staff, all fatalities and draft enforcement actions which were contributory to fatal accidents;
- Continued using two teams of inspection personnel to conduct health inspections, respirable dust sampling and evaluation of dust controls. Mines were selected for inspections based on criteria such as:
 - 1) Difficulty complying with the applicable respirable dust standard.
 - 2) Low-weight Designated Occupation Samples (unreasonable concentration for occupation sampled).
 - 3) High quartz levels in respirable dust.
 - 4) Unreasonable/insufficient dust controls specified in the approved ventilation plan.
 - 5) Operator or MSHA samples not collected during time when unit is producing normal amounts of material (unrepresentative samples of normal mining operations);
- Over the course of the FY, the dust teams inspected 16 mines in 4 districts, collected over 200 valid respirable dust samples. The dust teams issued a total of 173 citations of which 127 were related to health and 46 were related to safety; and
- During FY11 a higher percentage of inspections, 63% were full sampling inspections, compared to 45% (22 mines) of FY10 inspections.

Exceeds

Organization Element Result #2: Reduce the fatalities and injuries in the Nation's Coal mines by using the MSHA Key Indicator and other reports to direct resources to monitor and improve the enforcement performance and quality. Incumbent monitors MSHA Key Indicators and other reports for performance results outside the acceptable norms and averages for the Coal Districts' unique and distinct performance levels. Incumbent understands the effects of each District's geography and work load when determining acceptable average performance baselines. Petitions for Modifications are processed.

- Coal Mine Safety and Health was the sole author or co-authors on 22 new and 41 reissued Safety/Health Information Bulletins and Instruction Letters. Examples include Protecting Miners from Hazards Related to Rib Falls, Run-Through Check Curtains, Inspection of Post-Accident Communication and Electronic Tracking Systems, and Updated Procedures for Inspection of Seals;
 - All Coal Authorized Representatives (ARs) completed the Rules To Live By II training course;
 - Promoted and emphasized to the Districts that all ARs receive appropriate retraining to hone their enforcement knowledge;
 - Continued to promote consistency in enforcement measures through various means such as managers' meetings and conference calls, and a two-week training course for our Field Office Supervisors;
 - Indications of lacking oversight were addressed at the highest levels of the District, to ensure that the District Manager was aware that ultimately he/she was responsible for the expectations he/she put on the district personnel;
 - 113 Petitions were either granted, revoked, or denied this Fiscal Year. 82 petitions were drafted this FY.
 - Indicator reports were reviewed, monitored and analyzed to track individual and district performance, the other national databases were regularly utilized (time utilization, IPAL uploads, timely citation terminations, etc.).
- AKCeds*

Organization Element Result #3. Decrease by 2% per year from previous year's performance or target, the percentage of dust and noise samples taken with the results that are above the allowable limits.

Overexposures to Noise:
 FY 2011 Target: 2.99
 FY 2011 Result: 2.72

Overexposures to Dust:
 FY 2011 Target: 6.32
 FY 2011 Result: 5.76

Organizational Element Result #4. Use all available tools to reduce and/or eliminate the inconsistent enforcement of the Mine Act, MINER Act, and the deficiencies identified in accountability, district and PEER reviews; monitor the Accountability reviews that have been conducted to ensure consistency in enforcing the law, review findings noted and timely implement corrective actions; oversee the Agency's renewed commitment to Open Government primarily through the administration of Freedom of Information Act requirements; provide the necessary leadership and resources to demonstrate the Agency's commitment to miners' voice in the workplace; and supports DOL's Continuity of Operations (COOP) activities.

- Monitored inspection data and the level of consistency in inspections. Audits were conducted and discrepancies were corrected;
 - Continued to monitor and track accountability reviews to ensure compliance with recommendations; and
 - Ensured that enforcement personnel made mine visits to determine if the level of enforcement was effective and consistent with the conditions and practices in the mine.
- AKCeds*

CMSH had representatives on rule making committees:

- Proposed Rule on Proximity Detection Systems for Continuous Mining Machines in Underground Coal Mines;
- Proposed Rule on Proximity Detection Systems for Underground Mines;
- Rock Dust;
- Respirable Silica;
- Examination of Work Areas in Underground Coal Mines for Violations of Mandatory Health or Safety Standards;
- Pattern of Violations; and
- Lowering Miners' Exposure to Coal Mine Dust, including Continuous Personal Dust Monitors.
- Resources were provided to ensure openness, transparency and disclosure when responding to all FOIA's;
- In FY11 CMSH, not including the carry over, received 1,335 FOIAs, Completed 1,360 FOIAs and ended the Year with 118 still pending at the end of the FY;
- Various materials were developed to educate and inform Miners of their Rights. Talking points were given to the inspectors;
- Miners were given a Miners' rights Trifold Brochure, Pocket Card, and sticker;
- Miners were told of MSHA's website "A Guide to Miners' Rights and Responsibilities" as well as information available from the Mine Academy including A Guide to Miners' rights and Responsibilities – DVD; and
- Coal received approximately 1,179 hazardous condition complaints during FY2011. A final decision had been reached for 1,128 of those complaints, approximately 334 (30%) of which were positive findings.

Greene